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ABSTRACT

Compiled to provide a central reference point for all legislative information pertaining to libraries in the state of Texas, this publication includes all pertinent legislation as amended through the 66th Legislature, Regular Session, 1979. It contains articles dealing specifically with archives, buildings and property, city libraries, non-profit corporations, county libraries, courts, the Texas State Library and Archives Commission, public records, and other aspects relevant to libraries. In addition, useful articles and sections of the state's education code, election code, human resources code, insurance code, penal code, property tax code, and appropriations bill are included. Summaries of Attorney General Opinions which relate to libraries and public records, several concurrent resolutions passed by both houses of the legislature, and an outline of historical developments in Texas library legislation are provided. (FM)

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Library Laws of Texas

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Ed Seidenberg, Editor

Texas State Library

Austin

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Preface

PURPOSE

The Texas State Library has published this edition of Library Laws of Texas to provide a central reference point for all legislative information pertaining to libraries. This edition includes all pertinent legislation as amended through the 66th Legislature, Regular Session, 1979.

SCOPE

In addition to the laws relating specifically to libraries, attempts have been made to include legislation of frequent interest to libraries, such as the Open Meetings Act, the Interlocal Cooperation Act and the laws dealing with property management, obscenity and public records. Because of the vast amount of information regarding public records, only the readily identifiable laws pertaining to public records generally have been included. For specific information about local public records, contact the Regional Historical Resource Depository Program at the Texas State Library. For specific information about state records, contact the State Archives Division or the Records Management Division of the State Library.

For the first time, this edition contains a compilation of the summaries of Attorney General Opinions which relate to libraries and public records. Again, only a few of those relating to public records have been included.

This edition also contains a few concurrent resolutions passed by both houses of the legislature. Only the most recent of these have been included.

Because of the length and lack of relevance to library matters, a number of the statutes have not been fully reprinted. When a section or a subsection has been deleted, the reader is advised to "refer to statute" for the complete wording.

All statutes in this edition can be found by their article numbers in Vernon's Annotated Civil Statutes (VACS) or the Vernon's Texas Codes Annotated (VTCA).

REVISIONS AND UPDATES

The Texas State Library plans to provide updates to this edition at regular intervals. After each session of the Legislature, a supplement will be published and distributed to inform you of new statutes, amendments to existing statutes, and new Attorney General Opinions.

FEEDBACK

The editor of this edition would welcome any assistance in keeping this publication complete in scope and up-to-date. A feedback form has been provided on the last page to enable you to submit comments, questions, and suggestions.

ACKNOWLEDGEMENTS

The following staff of the Texas State Library has earned my appreciation for their work on this edition: Frances Dicks, for research assistance; Carol Rogus, for graphics and typing; Shirley Avery, for typing; and Maria Atkisson, for proofing.

DISCLAIMER

The editor of this publication is not a lawyer, and the information in this publication is not given as legal advice. To obtain legal advice on any specific matter, one should contact an attorney.

Ed Seidenberg
May 1, 1980

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Introduction

HISTORICAL DEVELOPMENTS

The first Texas legislation concerning libraries was a proclamation signed by President Mirabeau B. Lamar establishing a library for the Republic of Texas in 1839. Since that time, a large body of laws has been enacted by the legislative branch that affect not only what the State shall do but also what municipal and county governments can do. This published compilation includes only legislation now in force. It does not, therefore, include the 1839 proclamation; but it does include the 1874 legislation giving municipal governments the authority to use tax funds to establish and maintain libraries. The latter is still the legislation under which cities and towns support libraries.

This compilation also includes opinions issued by the Texas Attorney General. These opinions are requested by governmental units administering state statutes and represent what the State's position would be in a court of law. Since the Attorney General serves as legal counsel for the State, these have the force of law until they are tested in court.

The following compilation is intended to provide a convenient guide for those who need quick reference to current legislation. For anyone interested in State government, it provides an interesting survey of the changes in the legislative process. For example, the extremely permissive 1874 legislation under which municipalities support libraries was introduced by Guy M. Bryan, who represented the area that included Galveston. A subscription library had been established there, and the city government wished to take over its support. This legislation was already in effect when Texas cities began to take advantage of Andrew Carnegie's offer to construct libraries in cities that would promise to support them.

The legislation under which counties support libraries is far more restrictive. It created the State Board of Library Examiners, a board that is not subject to the oversight of the Texas State Library and Archives Commission and which is a part of the State Library's functions only to the extent that the State Librarian serves as ex officio chairman.

In addition to the Texas State Library, the State also maintains the State Law Library and the Legislative Reference Library (a division of the Texas State Library until 1969). County law libraries also function under the direction of the State law. Just as the State Law Library has developed within the State court system, the county law libraries exist for county courts.

Although the libraries in state-supported colleges and universities and those in public schools receive State funds for operation, a limited body of legislation concerns these libraries. The Coordinating Board, College and University System has established formulas that are not a part of the legal code, and individual institutions request funds for library activities through their budget process. Texas public schools operate with both state and local funds, and decisions about libraries are made as part of the budget process. The Texas Education Agency administers state funds. In recent years, school librarians and media specialists have sought legislation that they feel will upgrade school library service and make it more uniform on a statewide basis. Although public, school, and academic library services are administered at the state level by three separate state agencies, the important fact about state legislation is that it does not forbid the kind of cooperative activity that has developed in recent years. The Library Systems Act spells out methods for contractual arrangements.

In addition to the legislation that deals specifically with libraries, these institutions are subject to general state laws. Some of these that are of particular importance to libraries are included in this compilation--access by the handicapped to public facilities and obscenity laws, for example.

A substantial body of legislation included in the compilation deals with the State Library. From general directives in 1909 telling the agency to encourage library development and to promote interest in Texas history has grown a substantial body of legislation that directs how the State Library is to carry out these directives.

Legislation in this compilation that deals with the State Library begins with the 1909 legislation that created the Texas Library and Historical Commission (since 1979, the Texas State Library and Archives Commission) and thus made the State Library a separate agency.

Between 1839 and 1876, the Library was moved from place to place in state government. There were several significant events during this period, the most important of which was the separation of law library functions from the State Library in the 1850's. In 1869 Robert Josselyn, the State Librarian and former secretary to Confederate President Jefferson Davis, was considered important enough to be removed along with the governor as an impediment to Reconstruction.

Among the departments created at the end of Reconstruction and after approval of the Constitution of 1876 was the Department of Insurance,

Statistics, and History. Although the first Commissioner, Valentine Overton King, may have owed his appointment to the fact that his son-in-law was a member of the legislature, King took action during his four-year term that profoundly affected the future of the Library. He persuaded the Secretary of State to turn over the records of Spanish and Mexican governments in Texas to his office, and he began--without much success--to try to persuade the legislature to buy books about Texas. He gave the personal collection that he began at this time to the State Library in 1905.

Although King's successors were both interested and competent, a fire destroyed the Capitol in 1881 and cut short progress. Not until after the present Capitol was completed did progress resume. The appointment of C.W. Raines as "historical clerk" in 1891 marked the first full-time appointment to carry out functions in the library-archives area.

The organization of the Texas State Historical Association in 1897 and the Texas Library Association in 1902 provided impetus for the creation of two commissions. The former wanted a historical commission. The latter wanted a library commission. Unable to gain approval for two commissions, the two groups joined forces in 1909 to support a single one. The legislation was introduced by Representative R.R. Smith, who was a member of neither group. Family tradition indicates that he worked at the Capitol while attending the University of Texas and became interested in the State Library as it functioned under Raines.

The original Commission included two ex-officio appointments--the State Superintendent of Public Instruction and the head of the University of Texas School of History--and three members appointed by the Governor for two-year terms. Following Governor James E. Ferguson's successful attempt to depose the State Librarian by appointing three members that would vote as he wished, legislation eliminated the two ex-officio appointments and specified that five members were to be appointed for six-year terms, with two expiring each biennium. In 1953 the membership was increased to six to conform to State law.

While the 1909 law creating the Library and Historical Commission was broad, enabling legislation, the major limitations on what the State Library could do resulted from limited budgets. Not, for example, until 1927 was the salary for a "Library Organizer" included in the budget. In the 1930's the Texas Library Association sought unsuccessfully to obtain state aid for public libraries. The State Library was equally unsuccessful in its attempts to gain approval for a new building to replace the cramped space it occupied in the Capitol.

During the 1950's several pieces of legislation affected the State Library. Responsibility for state publications was made more specific, and responsibility for semiactive state records was given to the State Library.

Transfer of responsibility for semiactive records of state government to the agency in 1953 represented the last major program added to the State Library. Although other responsibilities have been extended--as in the responsibility for public library development through the 1969 Library Systems Act and the responsibility for local records through the establishment of Regional Historical Resource Depositories in 1971--legislation since the 1950's has focused upon refinements to earlier legislation. That this is a continuing process is indicated by the 1977 legislation that gave the State Library responsibility for developing, in cooperation with county officials, a manual indicating proper procedures for retention and disposal of county records. The County Records Manual is a compilation of State legislation concerning county records.

The legislation that affects libraries takes various forms. It may require them to do certain things, permit them to do others, and allow them to carry out functions if funds are appropriated. As conditions change, legislation also changes. This compilation reflects where libraries are as Texas enters the 1980's.

Dorman H. Winfrey
Director and Librarian
Texas State Library

For further information, see "A Survey of State Legislation on Texas Library Service," in Texas Libraries, V.41. no.1 (Spring 1979) p. 6-19.

Archives

ARTICLE 256. HISTORICAL ARCHIVES.

All books, pictures, papers, maps, documents, manuscripts, memoranda and data which relate to the history of Texas as a province, colony, Republic or State, which have been or may be delivered to the State Librarian by the Secretary of State, Comptroller, Land Commissioner or by any head of any departmemt, or by any person or officer, in pursuance of law, shall be deemed books and papers of the State Library and shall constitute a part of the archives of said State Library; and copies therefrom shall be made and certified by the State Librarian, or by the person serving as Archivist of the Texas State Library, upon application of any person interested, which certificate shall have the same force and effect as if made by the officer originally in custody of them.

ARTICLE 259. UNIVERSITY ARCHIVES

The Librarian of the University of Texas and the Archivist of the Department of History of said University are hereby authorized to make certified copies of all public records in the custody of the University of Texas, and said certified copies shall be valid in law and shall have the same force and effect for all purposes as if certified to by the county clerk or other custodian as now provided for by law. In making the certificate to the said certified copies, either by the librarian or by the archivist of the Department of History, the said officer shall certify that the foregoing is a true and correct copy of said document, and after signing the said certificate shall swear to the same before any officer authorized to take oaths under the laws of this State.

ARTICLE 260. LOAN OF ARCHIVES

County Commissioners and other custodians of public records are hereby authorized, in their discretion, to lend to the Library of the University of Texas, for such length of time and on such conditions as they may determine, such parts of their archives and records as have become mainly of historical value, taking a receipt therefore from the librarian of such University; and the librarian of said University is hereby authorized to receipt for such records as may be transferred to the said Library, and to make copies thereof for historical study.

ARTICLE 601b. STATE PURCHASING AND GENERAL SERVICES ACT.

Section 5.09. Archives. The (State Purchasing and General Services) Commission may, in its discretion, provide for the storage and display of the archives of Texas.

Buildings and Property

ARTICLE 601b. CHAPTER 7. ARCHITECTURAL BARRIERS.

Section 7.01. Policy. The provisions of this article are to further the policy of the State of Texas to encourage and promote the rehabilitation of handicapped or disabled citizens and to eliminate, insofar as possible, unnecessary barriers encountered by aged, handicapped, or disabled persons, whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted when such persons cannot readily use public buildings.

Section 7.02. Application. The standards and specifications adopted under this article shall apply to all buildings and facilities used by the public which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. To such extent as is not contraindicated by federal law or beyond the state's power of regulation, these standards shall also apply to buildings and facilities constructed in this state through partial or total use of federal funds. All buildings and facilities constructed in this state, or substantially renovated, modified, or altered, after the effective date of this article from any one of these funds or any combination thereof shall conform to each of the standards and specifications adopted under this article except where the governmental department, agency or unit concerned shall determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable. Where it is determined that full compliance with any particular standard or specification is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the commission. If it is determined that full compliance is not practicable, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(b) These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this article, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This article shall apply to temporary or emergency construction as well as permanent buildings.

(c) These standards and specifications shall be adhered to in all buildings leased or rented in whole or in part for use by the state under any lease or rental agreement entered into on or after January 1, 1972. To such extent as is not contraindicated by federal law or beyond the power of the state's regulation, these standards shall also apply to buildings or facilities leased or rented for use by the state through partial or total use of federal funds. Facilities which are the subject of lease or rental agreements on January 1, 1972, will not be required to meet standards and specifications for the term of the existing lease or rental agreement but must be brought into compliance before a lease or rental agreement is renewed. Where it is determined by the governmental department, agency, or unit concerned that full compliance with any particular standard is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the commission. If it is determined that full compliance is not practical, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(d) These standards and specifications shall be adhered to in certain privately financed buildings, building elements, and improved areas which are open to public use for education, employment, transportation, or acquisition of goods and services, and which are constructed on or after January 1, 1978, in counties with a population of 50,000 or more. Such facilities include the following:

(1) shopping centers which contain in excess of five separate mercantile establishments; compliance with accessibility standards and specifications relative to toilet rooms shall not apply unless the shopping center elects to have public toilet rooms;

(2) transportation terminals;

(3) theaters and auditoriums having a seating capacity for 200 or more patrons;

(4) hospitals and related medical facilities which provide direct medical service to patients;

(5) nursing homes and convalescent centers;

(6) buildings or complexes containing an aggregate total of 20,000 or more square feet of recognizable office floor space;

(7) funeral homes; and

(8) commercial business and trade schools or colleges.

Section 7.03. Scope. (a) This article is concerned with nonambulatory disabilities, semiambulatory disabilities, sight disabilities, hearing disabilities, disabilities of coordination, and aging.

(b) It is intended to make all buildings, and facilities covered by this article accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space, or facilities where the general public is concerned.

Section 7.04. Definitions. For the purpose of this article the following terms have the meanings as herein set forth:

(1) "Nonambulatory disabilities" means impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.

(2) "Semiambulatory disabilities" means impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary and cardiac ills may be semiambulatory. The listing here made is illustrative and shall not be construed as being exhaustive.

(3) "Sight disabilities" means total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.

(4) "Hearing disabilities" means deafness or hearing handicaps that might make an individual insecure in a public area because he is unable to communicate or hear warning signals.

(5) "Disabilities of coordination" means faulty coordination or palsy from brain, spinal, or peripheral nerve injury.

(6) "Aging" means those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in the aforementioned categories.

Section 7.05. Responsibilities for Enforcement. (a) The responsibility for administration and enforcement of this article shall reside primarily in the (State Purchasing and General Services) commission, but the commission shall have the assistance of appropriate state rehabilitation agencies in carrying out its responsibilities under this article. State agencies involved in extending direct services to disabled or handicapped persons are authorized to enter into interagency contracts with the commission to provide such additional funding as might be required to insure that service objectives and responsibilities of such agencies are achieved through

the administration of this article. In enforcing this article the commission shall also receive the assistance of all appropriate elective or appointive state officials. The commission shall from time to time inform professional organizations and others of this law and its application.

(b) The commission shall have all necessary powers to require compliance with its rules and regulations and modification thereof and substitutions therefor, including powers to institute and prosecute proceedings in the district court to compel such compliance, and shall not be required to pay any entry or filing fee in connection with the institution of such proceedings. The commission or a handicapped person who seeks injunctive relief to obtain compliance with the rules and regulations shall first notify a person responsible for the building and allow that person 90 days to bring the building into compliance. The commission shall have the authority to extend the 90-day period when circumstances justify such extension.

(c) The commission is authorized to promulgate such rules and regulations as might reasonably be required to implement and enforce this article. The standards and specifications to be adopted by the commission under this article shall be consistent in effect to those adopted by the American National Standards Institute, Inc. (or its federally recognized successor in function), and the commission shall publish the standards and specifications in a readily accessible form for the used of interested parties.

(d) All plans and specifications for construction of bulidings subject to the provisions of this article shall be submitted to the commission for review and approval prior to bidding and award of contract in accordance with rules and regulations adopted by the commission. Likewise, any substantial modification of approved plans shall be resubmitted to the commission for review and approval.

(e) The commission may review plans and specifications, make inspections, and issue certifications that privately owned structures are free of architectural barriers and in compliance with the provisions of this article. The commission is authorized to charge a fee, not to exceed $100, for review of plans and specifications, inspection, and certification of each privately owned building or facility.

(f) With respect to buildings and facilities that are under the jurisdiction and control of The University of Texas Board of Regents, the responsibility for administration and enforcement of this article shall reside in such governing board, and in the discharge of such responsibility the governing board shall have the same responsibilities, duties, powers, and authority that are herein imposed on and delegated to the commission with respect to all other buildings and facilities covered by this article.

ARTICLE 601b. CHAPTER 8. PROPERTY ACCOUNTING.

Section 8.01. Property Accounting System. (a) All real and personal property belonging to the state shall be accounted for by the head of the agency which has possession of the property.

(b) The (State Purchasing and General Services) Commission shall administer the property accounting system. The state auditor shall administer the property responsibility system. The commission shall issue rules and regulations and a manual of instruction and prescribe such records, reports, and forms necessary to accomplish the objects of this article subject to the approval of the state auditor. The state auditor is directed to cooperate with the commission in the exercise of the commission's rulemaking powers herein granted by giving technical assistance and advice.

(c) The commission shall maintain a complete and accurate set of centralized records of state property. Where the commission finds that an agency has demonstrated its ability and competence to maintain complete and accurate detailed records of the property it possesses without the detailed supervision by the commission, it may direct that the detailed records be kept at the principal office of such agency. Where the commission issues such order, it shall keep only summary records of the property of such agency and the agency shall keep such detailed records as the commission directs and furnish the commission with such reports at such times as directed by the commission.

(d) Each agency head shall cause each item of state property possessed by his agency to be marked so as to identify it. The agency head shall follow the instructions issued by the commission in marking state property.

Section 8.02. Responsibility for Property Accounting. (a) All state agencies shall comply with the provisions of this article and keep the property records required.

(b) (Refer to statute)

(c) All personal property owned by the state shall be accounted for by the agency that possesses the property. The commission shall by regulation define what is meant by personal property for the purposes of this article, but such definition shall not include nonconsumable personal property having a value of $250 or less per unit. In promulgating such regulations, the commission shall take into account the value of the property, its expected useful life, and if the cost of record keeping bears a reasonable relationship to the cost of the property on which records are kept. The commission shall consult with the state auditor in making such regulations and the auditor shall cooperate with the commission in the exercise of this rulemaking power by giving technical assistance and advice.

(d) (Refer to statute)

Section 8.03. Property Manager; Property Inventory. (a) Each agency head is responsible for the proper custody, care, maintenance, and safekeeping of the state property possessed by his agency.

(b) Each agency head shall designate either himself or one of his employees as property manager. The commission shall be informed in writing by the agency head of the name of the property manager and shall be informed of any changes. Where the commission finds that convenience and efficiency will be served, it may permit more than one property manager to be appointed by the agency head.

(c) The property manager shall maintain the required records on all property possessed by the agency and shall be the custodian of all such property.

(d) No person shall entrust state property to any state official or employee or to anyone else to be used for other than state purposes.

(e) When an agency's property is entrusted to some person other than the property manager, the property manager shall require a written receipt for such property executed by the person receiving custody of the property. When the possession of property of one agency is entrusted to another agency on loan, such transfer shall be done only when authorized in writing by the agency head who is lending such property and the written receipt shall be executed by the agency head who is borrowing such property. The property manager is relieved of the responsibility for property which is the subject of such a receipt.

(f) Each agency shall make a complete physical inventory of all property in its possession once a year. The inventory shall be taken on the date prescribed for the agency by the commission.

(g) The agency head shall forward a signed statement describing the method by which the inventory was verified, along with a copy of such inventory, within 45 days after the inventory date for the agency.

(h) The commission shall supervise the property records of each agency so that the records accurately reflect the property currently possessed by the agency. The commission shall prescribe the methods whereby items of property are deleted from the property records of the agency. Property that has become surplus or obsolete and no longer serviceable and has been turned over to the commission for disposal under the laws relating thereto shall be deleted from the records of that agency upon the authorization of the commission. Property that is missing from the agency or property that is disposed of directly by the agency in a legal manner shall be deleted from the commission's records upon the authorization of the state auditor.

Section 8.04. Change of Property Managers. When there is a change in agency heads or property managers, the incoming agency head or property manager shall execute a receipt for all agency property accounted for to the outgoing agency head or property manager. A copy of such receipt shall be delivered to the commission, the state auditor, and the outgoing agency head or property manager. No further warrants in favor of the outgoing agency head or property manager shall be drawn or paid until the state auditor has certified that the agency property has been properly accounted for. The state auditor may make this certification without requiring that a physical inventory be taken.

Section 8.05. Liability for Property Loss. Where agency property disappears, whether through theft or other cause, as a result of the failure of the agency head, property manager, or agency employee entrusted with the property in writing to exercise reasonable care for its safekeeping, such person shall be pecuniarily liable to the state for the loss thus sustained by the state. Where agency property deteriorates as a result of the failure of the agency head, property manager, or agency employee entrusted with the property in writing to exercise reasonable care to maintain and service the property, such person shall be pecuniarily liable to the state for the loss sustained by the state. Where agency property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee, such person shall be pecuniarily liable to the state for the loss thus sustained by the state. The liability prescribed by this section may be found to attach to more than one person in a particular instance; in such cases, the liability shall be joint and several.

Section 8.06. Reporting to State Auditor. When any state property has been lost, destroyed, or damaged through the negligence or fault of any state official or employee, the agency head responsible for such property shall immediately report such loss, destruction, or damage to the state auditor. Upon learning in any manner of such property loss, destruction, or damage, the state auditor shall investigate the matter. If the investigation discloses that an injury has been sustained by the state through the fault of a state official or employee, the state auditor shall make written demand upon such state official or employee for reimbursement to the state for the loss so sustained.

Section 8.07. Legal Action to Recover Monetary Loss of Property. In case the demand made by the state auditor for reimbursement for property loss, destruction, or damage is refused or disregarded by the state official or employee upon whom such demand is made, the state auditor shall report the facts to the attorney general. If, after an investigation of the facts, the attorney general finds that legal liability may be adjudged against the state official or employee, he snall take such legal action to recover the monetary loss of the state property occasioned by the loss, damage, or destruction as in his opinion may be deemed necessary. Venue for all such suits instituted against a state official or employee shall lie in the courts of appropriate jurisdiction of Travis County.

Section 8.08. Failure to Keep Records. When any agency fails to keep the records required under the provisions of this article or fails to take the annual physical inventory, the commission shall so inform the comptroller and the comptroller may refuse to draw any warrants on behalf of such agency.

Section 8.09. Transfer of Personal Property. (a) Any state agency is authorized to transfer any personal property of the state under its control or jurisdiction to any other state agency with or without reimbursement between the agencies; provided, however, that the provisions of this article shall not apply to any real property.

(b) When any personal property under the control or jurisdiction of one state agency is transferred to the control or jurisdiction of any other state agency, such transfers shall be immediately and simultaneously reported to the commission by the transferor and the transferee on forms prescribed by the commission, and it shall adjust the inventory records of the agencies involved in making the transfer. Whenever any transfer is made with reimbursement from funds deposited in the state treasury, the transferee shall issue a voucher payable to the transferor, and the comptroller of public accounts shall issue warrants for reimbursement.

Section 8.10. Distribution of this Article. Each agency head shall distribute a copy of this article to each official and employee of his agency and shall give a copy to each new employee of the agency.

ARTICLE 664-7. PURCHASING PROGRAM FOR COUNTIES.

Section 1. Purchasing Program. (a) The State Purchasing and General Services Commission shall establish a program by which the board performs purchasing services for counties. The services shall include:

(1) the extension of state contract prices to participating counties when the board considers it feasible;

(2) solicitation of bids on items desired by counties if the solicitation is considered feasible by the board and is desired by the county; and

(3) provision of information and technical assistance to counties about the purchasing program.

(b) The board may charge a participating county an amount not to exceed the actual costs incurred by the board in providing purchasing services to the county under the program.

(c) The board may adopt rules and procedures necessary to administer the purchasing program.

Section 2. County Participation. (a) A county may participate in the purchasing program of the board by filing with the board a resolution adopted each year by the commissioners court of the county requesting that the county be allowed to participate and stating that the county:

(1) will designate an official to act for the county in all matters relating to the program, including the designation of specific contracts in which the county desires to participate, and that the commissioners court will direct the decisions of the representative;

(2) will purchase from the contracts made under this subsection, except in emergencies;

(3) will be responsible for payment directly to the vendor under each contract; and

(4) will be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

(b) A county that purchases an item under a state contract satisfies any state law requiring the county to seek competitive bids for the purchase of the item.

ARTICLE 678m - 2½. ARCHIVES AND LIBRARY BUILDING.

Section 1. The name of the State Archives and Library Building is changed to the Lorenzo de Zavala State Archives and Library Building.

Section 2. All references to the State Archives and Library Building shall hereafter mean the Lorenzo de Zavala State Archives and Library Building.

City Libraries

ARTICLE 835m. MUNICIPAL LIBRARIES:...VALIDATION OF BONDS.

Section 1. All bonds heretofore voted by any incorporated city or town, including home rule cities, for the purpose of enlarging and improving a municipally owned and operated library building or constructing a new municipal library building, either or both, and all proceedings relating thereto, are hereby in all things validated, ratified, approved, and confirmed, notwithstanding the fact that the election may not in all respects have been ordered and held in accordance with mandatory statutory provisions...Such bonds, when approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and sold and delivered for not less than their par value plus accrued interest, shall be binding, legal, valid, and enforceable obligations of such city or town and shall be incontestable. Provided, however, that this Act shall apply only to such bonds which were authorized at an election or elections wherein a majority of the qualified property taxpaying voters whose property had been duly rendered for taxation voted in favor of the issuance thereof.

Section 2. This Act shall not be construed as validating any such bonds or proceedings, the validity of which has been contested or attached in any suit or litigation pending at the time this Act becomes effective.

ARTICLE 1015(33). CITIES.

The governing body shall also have power:...To establish a free library in such city or town; to adopt rules and regulations for the proper management thereof, and to appropriate such part of the revenues of such city or town for the management and increase of such free library as the municipal government of such city of town may determine.

ARTICLE 1109b. EMINENT DOMAIN.

Incorporated cities and towns shall have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary and to take any private property within or without the city limits for any of the following purposes, to wit:

To have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary and to take any private property within or without the city limits for any of the following purposes, to wit:. . . libraries, . . . and to acquire lands within and without the city for any other municipal purposes that may be deemed advisable.

. . . that the power of eminent domain hereby conferred shall include the right of the governing authority, when so expressed, to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes.

ARTICLE 1175(15). ENUMERATED POWERS.

Cities adopting the charter or amendment hereunder shall have full power of local self-government, and among the other powers that may be exercised by any such city the following are hereby enumerated for greater certainty: . . . . To have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary; to take any private property within or without the city limits for any of the following purposes; . . . libraries,. . . and to acquire lands within and without the city for any other municipal purposes that may be deemed advisable. . The power of eminent domain hereby conferred shall include the right of the governing authority, when so expressed, to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. . . .

ARTICLE 1269j-4.1. PUBLIC IMPROVEMENTS IN CITY, TOWN OR VILLAGE; BONDS; OCCUPANCY TAX.

Section 1. Applicability of Act. In this Act, "city" means a home-rule city or a city, town, or village incorporated under general law.

Section 2. Buildings, Structures, Parking Areas and Facilities; Leases. Any such city is hereby authorized to establish, acquire, lease as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate or maintain (any or all) public improvements such as . . . libraries, or other city buildings (either or all), . . . and other similar recreational facilities, and to establish, acquire, lease as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate or maintain (any or all) structures, parking areas, or facilities, located at or in the immediate vicinity of such public improvements, to be used in connection with such public improvements for off-street parking or storage of motor vehicles or other conveyances; and provided that any such lease shall be on such terms and conditions as said city shall deem appropriate.

Section 3. Revenue Bonds; Ordinance; Pledge of Revenues; Charges for Services; Leases. (a) Any such city is hereby authorized to issue negotiable revenue bonds to provide all or part of the funds for the establishment, acquisition, purchase, construction, improvement, enlargement, equipment or repair (any or all) of public improvements such as. . . libraries or other city buildings, either or all, and . . . other similar recreational facilities, and the establishment, acquisition, purchase, construction, improvement, enlargement, equipment or repair (any or all) of structures, parking areas or facilities, located at or in the immediate vicinity of such public improvements, to be used in connection with such public improvements for off-street parking or storage of motor vehicles or other conveyances.

(b) to (d). (Refer to statute).

Sections 3a to 10. (Refer to statute).

ARTICLE 1396. TEXAS NON-PROFIT CORPORATION ACT.

(Because of the length and technical nature of the many sections of this Act, only selected portions have been reproduced here. Refer to the statute for the complete text.)

ARTICLE 1396-2.01. PURPOSES.

A. Except as hereinafter in this Article expressly excluded herefrom, non-profit corporations may be organized under this Act for any lawful purpose or purposes, which purposes shall be fully stated in the articles of incorporation. Such purpose or purposes may include, without being limited to, any one or more of the following: charitable, benevolent, religious, eleemosynary, patriotic, civic, missionary, educational, scientific, social, fraternal, athletic, aesthetic, agricultural and horticultural; and the conduct of professional, commercial, industrial, or trade associations; and animal husbandry. . .

ARTICLE 1396-2.02. GENERAL POWERS.

A. Subject to the provisions of Sections B and C of this Article, each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation. Notwithstanding the articles of incorporation, the period of duration for any corporation incorporated before September 6, 1955, is perpetual if all fees and franchise taxes have been paid as provided by law.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed on, affixed to, or in any manner reproduced upon, instruments of any nature required to be executed by its proper officers.

(4) To purchase, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, whenever situated, as the purposes of the corporation shall require.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money to, and otherwise assist, its employees, but not to its officers and directors.

(7) To purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, mortgage, lend, pledge, sell or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships, or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, government district, or municipality, or of any instrumentality thereof.

(8) To make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises, and income.

(9) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its affairs, carry on its operations, and have officers and exercise the powers granted by this Act in any state, territory, district, or possession of the United States, or any foreign country.

(11) To elect or appoint officers and agents of the corporation for such period of time as the corporation may determine and define their duties and fix their compensation.

(12) To make and alter by-laws, not inconsistent with its articles of incorporation or with the laws of this State, for the administration and regulation of the affairs of the corporation.

(13) To make donations for the public welfare or for charitable, scientific, or educational purposes and in time of war to make donations in aid of war activities.

(14) To cease its corporate activities and terminate its existence by voluntary dissolution.

(15) Whether included in the foregoing or not, to have and exercise all powers necessary or appropriate to effect any or all of the purposes for which the corporation is organized.

(16) Any religious, charitable, educational, or eleemosynary institution organized under the laws of this State may acquire, own, hold, mortgage, and dispose of and invest its funds in real and personal property for the use and benefit and under the discretion of, and in trust for any convention, conference or association organized under the laws of this State or another state with which it is affiliated, or which elects its board of directors, or which controls it, in furtherance of the purposes of the member institution.

(17) To pay pensions and establish pension plans and pension trusts for all of, or class, or classes of its officer and employees, or its officers or its employees.

B. Nothing in this Article grants any authority to officers or directors of a corporation for the exercise of any of the foregoing powers, inconsistent with limitations on any of the same which may be expressly set forth in this Act or in the articles of incorporation or by-laws or in any other laws of this State. Authority of officers and directors to act beyond the scope of the purpose or purposes of a corporation is not granted by any provisions of this Article.

C. Nothing in this Article shall be deemed to authorize any action in violation of the Anti-Trust Laws of this State or of any of the provisions of Chapter 4 of Title 32 of Revised Civil Statutes of Texas, 1925, as now existing or hereafter amended.

ARTICLE 1396-2.05. REGISTERED OFFICE AND REGISTERED AGENT.

A. Each corporation shall have and continuously maintain in this State:

(1) A registered office which may be, but need not to be, the same as its principal office.

(2) A registered agent, which agent may be an individual resident in this State whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or to conduct its affairs in this State which has a principal or business office identical with such registered office.

B. On or before the 15th day of November, 1961, each not for profit corporation organized under the laws of this State prior to the effective date of this Act shall designate its registered office and appoint its registered agent by filing in the office of the Secretary of State a statement setting forth:

(1) The name of the corporation.

(2) The street address of its registered office.

(3) The name of its registered agent.

(4) The street address of its registered agent.

(5) That the street address of its registered office and the street address of its registered agent are the same.

(6) That such designation and appointment were authorized by resolution duly adopted by its board of directors or, if the management of the corporation is vested in its members pursuant to Article 2.14C of this Act, by the members.

C. The statement required by this Article shall be executed by the corporation by its president or a vice-president, and verified by him. The original and a copy of the statement shall be delivered to the Secretary of State. If the Secretary of State finds that such statement conforms to the provisions of this Act, he shall, when all fees have been paid as prescribed by law:

(1) Endorse on the original and the copy the word "Filed" and the month, day, and year of the filing thereof.

(2) File the original in his office.

(3) Deliver the copy to the corporation or its representative.

ARTICLE 1396-2.08. MEMBERS.

A. A corporation may have one or more classes of members or may have no members.

B. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment, and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or by-laws.

C. If the corporation is to have no members, that fact shall be set forth in the articles of incorporation.

D. A corporation may issue certificates, or cards, or other instruments evidencing membership rights, voting rights or ownership rights as may be authorized in the articles of incorporation or in the by-laws.

E. The members of a non-profit corporation shall not be personally liable for the debts, liabilities, or obligations of the corporation.

ARTICLE 1396-2.09. BY-LAWS.

A. The initial by-laws of a corporation shall be adopted by its board of directors or, if the management of the corporation is vested in its members pursuant to Article 2.14C of this Act by the members. The power to alter, amend, or repeal the by-laws or to adopt new by-laws shall be vested in the members, if any, but such power may be delegated by the members to the board of directors. In the event the corporation has no members, the power to alter, amend, or repeal the by-laws or to adopt new by-laws shall be vested in the board of directors. The by-laws may contain any provisions for the regulation and management of the affairs of a corporation not inconsistent with law or with the articles of incorporation.

ARTICLE 1396-2.10. MEETINGS OF MEMBERS.

A. If a corporation has members:

(1) Meetings of members shall be held at such place, either within or without this State, as may be provided in the by-laws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this State.

(2) An annual meeting of the members shall be held at such times as may be provided in the by-laws, except that where the by-laws of a corporation provide for more than one regular meeting of members each year, an annual meeting shall not be required, and directors may be elected at such meetings as the by-laws may provide. Failure to hold the annual meeting at the designated time shall not work a dissolution of the corporation. In the event the board of directors fails to call the annual meeting at the designated time, any member may make demand that such meeting be held within a reasonable time, such demand to be made in writing by registered mail directed to any officer of the corporation. If the annual meeting of members is not called within sixty (60) days following such demand, any member may compel the holding of such annual meeting by legal action directed against said board, and all of the extraordinary writs of common law and of courts of equity shall be available to such member to compel the holding of such annual meeting. Each and every member is hereby declared to have a justiciable interest sufficient to enable him to institute and prosecute such legal proceedings.

(3) Special meetings of the members may be called by the president, the board of directors, by members having not less than one-tenth (1/10) of the votes entitled to be cast at such meeting, or such other officers or persons as may be provided in the articles of incorporation or by-laws.

ARTICLE 1396-2.14. BOARD OF DIRECTORS OR TRUSTEES

A. The affairs of a corporation shall be managed by a board of directors, or trustees. Directors or trustees need not be residents of this State or members of the corporation unless the articles of incorporation or the by-laws so require. The articles of incorporation or the by-laws may prescribe other qualifications for directors or trustees.

B. Boards of directors of trustees or religious, charitable, educational, or eleemosynary institutions may be affiliated with, elected and controlled by a convention, conference or association organized under the laws of this State or another state, whether incorporated or unincorporated, whose membership is composed of representatives, delegates, or messengers from any church or other religious association.

C. The articles of incorporation of a church may vest the management of the affairs of the corporation in its members. If the church as a board of directors or similar body, it may limit the authority of such board to whatever extent as may be set forth in the articles of incorporation or by-laws. A church organized and operating under a congregational system and incorporated prior to the effective date of this Act shall be deemed to have vested the management of the affairs of the corporation in its members in the absence of an express provision to the contrary in the articles of incorporation or the by-laws.

D. In the case of a corporation which is a church, the Board may be designated by any name appropriate to the customs, usages, or tenets of the church.

E. The board of directors or trustees of a non-profit corporation may be elected (in whole or in part) by another non-profit corporation or corporations, domestic or foreign, if (1) the articles of incorporation or the bylaws of the former corporation so provide, and (2) the former has no members with voting rights.

ARTICLE 1396-3.01. INCORPORATORS

A. Three (3) or more natural persons, two (2) of whom must be citizens of the State of Texas, of the age of eighteen (18) years or more may act as incorporators of a corporation by signing and verifying the articles of incorporation for such corporation and delivering the original and a copy of the articles of incorporation to the Secretary of State.

B. Any religious society, charitable, benevolent, literary, or social association, or church may incorporate under this Act with the consent of a majority of its members, who shall authorize the incorporators to execute the articles of incorporation.

ARTICLE 1396-3.02. ARTICLES OF INCORPORATION

A. The articles of incorporation shall set forth:

(1) The name of the corporation.

(2) A statement that the corporation is a non-profit corporation.

(3) The period of duration, which may be perpetual.

(4) The purpose or purposes for which the corporation is organized.

(5) If the corporation is to have no members, a statement to that effect.

(6) If the corporation is a church and the management of its affairs is to be vested in its members pursuant to Article 2.14C of this Act, a statement to that effect.

(7) Any provision, not inconsistent with law, including any provision which under this Act is required or permitted to be set forth in the bylaws, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation.

(8) The street address of its initial registered office and the name of its initial registered agent at such street address.

(9) The number of directors or trustees constituting the initial board of directors or trustees, and the names and addresses of the persons who are to serve as the initial directors or trustees. A church vesting management of its affairs in its members pursuant to Article 2.14C of this Act may, in lieu of providing for a board of directors or trustees, set forth in the articles of incorporation the officers or other body designated pursuant to Article 2.20D of this Act.

(10) The name and street address of each incorporator.

B. Provided that charters or articles of incorporation of corporations existing on the effective date of this Act which do not contain one or more of the requirements listed in the foregoing Section need not be amended for the purpose of meeting such requirements. Any subsequent amendment or restatement of the articles of incorporation of such corporation shall include such requirements, except that it shall not be necessary, in such amended or restated articles, to include the information required in Subsections (8), (9), and (10) of Section A.

C. It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this Act.

D. Unless the articles of incorporation provide that a change in the number of directors or trustees shall be made only by amendment to the articles of incorporation, a change in the number of directors or trustees made by amendment to the by-laws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a by-law, the provision of the articles of incorporation shall be controlling.

ARTICLE 1396-3.03. FILING OF ARTICLES OF INCORPORATION

A. The original and a copy of the articles of incorporation shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of incorporation conform to law, he shall, when all fees have been paid as required by law:

(1) Endorse on the original and the copy the word "Filed", and the month, day, and year of the filing thereof.

(2) File the original in his office.

(3) Issue a certificate of incorporation to which he shall affix the copy.

B. The certificate of incorporation, together with the copy of the articles of incorporation affixed thereto by the Secretary of State shall be delivered to the incorporators or their representatives.

County Libraries

ARTICLE 1677. AUTHORITY TO ESTABLISH.

The commissioners court of any county may establish, maintain, and operate within their respective counties, county free libraries in the manner and with the functions prescribed in this title. The said court shall also have the power and authority to establish in cooperation with another county or counties a joint free county library for the benefit of the cooperative counties.

ARTICLE 1678. TERRITORY.

The commissioners court of any county may establish county free libraries for that part of such county lying outside of the incorporated cities and towns already maintaining free public libraries and for such additional parts of such counties as may elect to become a part of or to participate in such county free library system. On their own initiative, or when petitioned to do so by a majority of the voters of that part of the county to be affected, said court shall proceed to establish and provide for the maintenance of such library according to the further provisions of this title. The county library shall be located at the county seat in the court house, unless more suitable quarters are available.

ARTICLE 1679. TAX FOR MAINTENANCE.

The commissioners courts are hereby authorized to set aside annually from the General Tax Fund, or the Permanent Improvement Fund of the county, as the said Court may determine, sums for the maintaining of free county libraries and for the erection of permanent improvements and the securing of land for free county libraries, but not to exceed twelve cents (12¢) on the One Hundred Dollar ($100) valuation of all property in such county outside of all incorporated cities and towns already supporting a free public library, and upon all property within all incorporated cities and towns already supporting a free library, and upon all property within all incorporated cities and towns already supporting a free public library which have elected to become a part of such free library systems provided in Title 35 of Revised Civil Statutes, for the purpose of maintaining county free libraries and for purchasing property therefor.

ARTICLE 1680. GIFTS AND BEQUESTS.

The commissioners court is authorized and empowered to receive on behalf of the county any gift, bequest, or devise for the county free library, or for

any branch or subdivision thereof. The title to all property belonging to the county free library shall be vested in the county, but where the gifts or bequests shall be made for the benefit of any branch or branches of the county free library, such gifts or bequests shall be administered as designed by the donor.

ARTICLE 1681. EXISTING LIBRARIES.

In any county where a farmers' county library has been established as provided by former laws the same shall continue to operate as a farmers' county library, unless a county free library shall be established as provided for in this title, in which case the former shall merge with and become a part of the latter.

ARTICLE 1682. BOARD OF EXAMINERS.

A commission is hereby created to be known as the State Board of Library Examiners, consisting of the State Librarian, who shall be ex-officio chairman of the Board; the Librarian of the State University, who shall be an ex-officio member; and three other well-trained librarians of the State who shall at first be selected by the State Librarian and the Librarian of the State University. The term of each shall be for six years, one of the appointive members retiring every two years. His successor shall be chosen by the remaining members of the Board in executive session. The members of said board shall receive no compensation for their services except actual and necessary traveling expenses paid out of the State library fund. Said Board shall arrange for an actual meeting and for such other meetings as may be necessary in the pursuance of its duties. Said board shall pass upon the qualifications of all persons desiring to become county librarians in the State of Texas, and may in writing adopt rules and regulations not inconsistent with the law for its government and for carrying out the purposes of this title.

ARTICLE 1682a. APPLICATION OF SUNSET ACT.

The State Board of Library Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1981.

ARTICLE 1683. COUNTY LIBRARIAN.

Upon the establishment of a county free library the Commissioners Court shall biennially appoint a County Librarian who shall hold office for a term of two (2) years subject to removal for cause after a hearing by said Court. No person shall be eligible to the office of County Librarian unless prior

to his appointment he has received from the State Board of Library Examiners a certificate of qualification for office; and when any County Librarian has heretofore received a certificate of qualification for office from the State Board of Library Examiners, and has served as County Librarian for any county in this State, said Librarian may be employed or reemployed by any county as Librarian without further examination and issuance of certificate from said State Board of Library Examiners. The County Librarian shall, prior to entering upon the duties of his office, file with the County Clerk the official oath and make a bond upon the faithful performance of his duties with sufficient sureties approved by the County Judge of the County of which the Librarian is to be the County Librarian, in such sum as the Commissioners Court may determine.

ARTICLE 1684. SALARY AND EXPENSES.

The salary of the librarian and assistants shall be fixed by said court at the time they fix the salary of the appointive county officers. The county librarian and assistants shall be allowed actual and necessary traveling expenses incurred in the business of the library.

ARTICLE 1685. DUTY OF LIBRARIAN.

The librarian shall endeavor to give an equal and complete service to all parts of the county through branch libraries and deposit stations in schools and other locations where suitable quarters may be obtained, thus distributing printed matter, books, and other educational matter as quickly as circumstances will permit. The county librarian shall have the power to make rules and regulations for the county free library, to establish branches and stations throughout the county, to determine the number and kind of employees of such library, and, with the approval of the commissioners court, to appoint and dismiss such employees. The county librarian shall, subject to the general rules adopted by the commissioners court, build up and manage according to accepted rules of library management, a library for the people of the county and shall determine what books and other library equipment shall be purchased.

ARTICLE 1686. REPORT OF LIBRARIAN.

The librarian of each county library shall, on or before the first day of October in each year, report to the commissioners court and to the State Librarian the operation of the county library during the year ending August 31st preceding. Such report shall be made on blanks furnished by the State Librarian, and shall contain a statement of the condition of the library, its operation during the year, and such financial and book statistics as are kept in well regulated libraries.

ARTICLE 1687. SUPERVISION OF LIBRARY.

The county library shall be under the general supervision of the commissioners court. Such libraries shall also be under the supervision of the State Librarian, who shall, from time to time, either personally or by one of his assistants, visit the county free libraries and inquire into their condition, advising with the librarians and said court and rendering such assistance in all matters as he may be able to give.

ARTICLE 1689. FUNDS FOR LIBRARY.

All funds of the county free library shall be in the custody of the county treasurer, or other county official, who may discharge the duties commonly delegated to the county treasurer. They shall constitute a separate fund to be known as the county free library fund, and shall not be used except for library purposes. The Commissioners Court may contract with privately owned libraries which serve areas within the county not adequately served by the county free library to provide county free library services in such areas, and may require by such contract that such library submit to such reasonable regulations as is required of governmental libraries.

ARTICLE 1690. JOINDER WITH CITY.

After the establishment of a county free library the governing body of any incorporated city or town in the county, maintaining a free public library, may notify the commissioners court that such city or town desires to become a part of the county free library system, and thereafter such city or town shall be a part thereof, and its inhabitants shall be entitled to the benefits of such county free library, and the property within such town or city shall be included in computing the amount to be set aside as a fund for county free library purposes.

ARTICLE 1691. CONTRACT WITH CITY.

The commissioners court wherein a county free library has been established under the provisions of this title, shall have full power and authority to enter into contracts with any incorporated city or town maintaining a public free library, and such incorporated city or town shall through its governing body, have full power to enter into contracts with such county to secure to the residents of such incorporated city or town the same privileges of the county free library as are enjoyed by the residents of such county outside of such incorporated city or town, or such privileges as may be agreed upon in such contract, upon such consideration to be named in the contract as may be agreed upon, the same to be paid into the county library fund, and thereupon the residents of such incorporated city or town shall have the same privileges

with regard to said county free library as are had by the residents of such county outside of such incorporated city or town, or such privileges as may be agreed upon by contract.

ARTICLE 1692. WITHDRAWAL OF CITY.

The governing body of such incorporated city or town may at any time after two years notify the commissioners court that such city or town no longer desires to be a part of the county free library system and thereafter such city or town shall cease to participate in the benefits of such county free library system, and the property situated in said city or town shall no longer be assessed in computing the fund to be sent aside for county free library purposes. The governing body of such city or town shall give the commissioners court six months notice and publish at least once a week for six successive weeks prior to either giving or withdrawing such notice in a county newspaper designated by the governing body, and circulated throughout such city or town, notice of such contemplated action, giving date and place of meeting at which such contemplated action is proposed to be taken.

ARTICLE 1693. CONTRACT WITH ANOTHER COUNTY.

The commissioners court of any county, wherein a county free library has been established under the provisions of this title, shall have full power and authority to enter into contracts or agreements with the commissioners court of any other county to secure to the residents of such other county such privileges of such county free library as may, by such contract, be agreed upon, the same to be paid into the county free library fund, and thereupon the inhabitants of such other county shall have the privilege of such county free library as may by such contract be agreed upon, the same to be paid into the county free library fund, and thereupon the inhabitants of such other county shall have the privilege of such county free library as may by such contract to agreed upon; and the commissioners court shall have full power and authority to enter into a contract with the commissioners court of another county wherein a county free library has been established, under the provisions of this title and shall have power to provide for and to set aside a county free library fund, in the manner already set out, for the purpose of carrying out such contract. But the making of such contract shall not bar the commissioners court of such county from establishing a county free library therein, and upon the establishment of such county free library such contract may be terminated upon such terms as may be agreed upon by the parties thereto, or may continue for the term thereof.

ARTICLE 1694. CONTRACT WITH ESTABLISHED LIBRARY.

Instead of establishing a separate county free library, upon petition of a majority of the voters of the county, the commissioners court may contract for library privileges from some already established library. Such contract shall provide that such established library shall assume the functions of a county free library within the county with which the contract is made, including incorporated cities and towns therein, and shall also provide that the librarian of such established library shall hold or secure a county librarian's certificate from the State Board of Library Examiners. Said court may contract to pay annually into the library fund of said established library such sum as may be agreed upon, to be paid out of the county library fund. Either party to such contract may terminate the same by giving six months notice of intention to do so. Property acquired under such contract shall be subject to division at the termination of the contract upon such terms as are specified in such contract.

ARTICLE 1695. COMBINED COUNTIES.

Where found to be more practicable, two or more adjacent counties may join for the purposes of this law and establish and maintain a free library under the terms and provisions above set forth for the establishment and maintenance of a county free library. In such cases the combined counties shall have the same powers and be subject to the same liabilities as a single county as provided in this law. The commissioners court of the counties which have combined for the establishment and maintenance of a free library shall operate jointly in the same manner as does the commissioners court of a single county in carrying out the provisions of this law. If any county desires to withdraw from such combination it shall be entitled to a division of property in such proportion as agreed upon in the terms of a combination at the time such joint action was taken.

ARTICLE 1696. TERMINATION OF LIBRARY.

A county free library may be disestablished upon petition of a majority of the voters of that part of the county maintaining a county free library, asking that said library system be no longer maintained. The commissioners court upon the termination of existing contracts shall call in all books and movable property of the defunct county free library, and have same inventoried and stored under lock and seal in some dry and suitable place in the county court house.

ARTICLE 1696a. ACQUISITION OF LAND: CONSTRUCTION, REPAIR, EQUIPMENT AND IMPROVEMENT OF BUILDINGS: BOND ISSUES: TAXES.

Section 1. The Commissioners Court of any county in this State is hereby authorized to acquire land for and to purchase, construct, repair, equip, and improve buildings, and other permanent improvements to be used for county library purposes. Such building or buildings and other permanent improvements may be located in the county at such place or places as the Commissioners Court may determine. Payment for such buildings and repairs and improvements and other permanent improvements shall be made from the Constitutional Permanent Improvements Fund.

Section 2. To pay the costs of acquiring land for and of purchasing, construction, repairing, equipping, and improving such buildings and other permanent improvements, the Commissioners Court is hereby authorized to issue negotiable bonds of the county and to levy and collect taxes in payment thereof, the issuance of such bonds and the levy and collection of taxes to be in accordance with the provisions of Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, governing the issuance of bonds by cities, towns, and/or counties in this State.

ARTICLE 1702h. COUNTY LAW LIBRARIES IN ALL COUNTIES.

Section 1. Authority to Establish. The Commissioners Courts of all counties within this State shall have the power and authority, by first entering an order for that purpose, to provide for, maintain and establish a County Law Library.

Section 2. Establishment on Initiative of Commissioners Court; Appropriations. The Commissioners Court of any county may establish and provide for the maintenance of such County Law Library on its own initiative, and appropriate a sum not to exceed $20,000 to establish properly such library, and shall appropriate each year such sum as may be necessary to properly maintain and operate such County Law Library, which shall be established, maintained and operated at the county seat.

Section 3. Gifts and Bequests. The Commissioners Court of such county is hereby authorized and empowered to receive on behalf of such county any gift or bequest for such County Law Library. The title of all of such property shall be vested in the county. Where any gift or bequest is made with certain conditions, and accepted by the county, these conditions shall be administered as designated by the donor.

Section 4. Costs; Law Library Fund. For the purpose of establishing County Law Libraries after the entry of such order, there shall be taxed, collected, and paid as other costs, a sum set by the Commissioners Court not to exceed $10 in each civil case, except suits for delinquent taxes, here-

after filed in every county or district court; provided, however, that in no event shall the county be liable for said costs in any case. Such costs shall be collected by the clerks of the respective courts in said counties and paid by said clerks to the County Treasurer to be kept by said Treasurer in a separate fund to be known as the "County Law Library Fund." Such fund shall not be used for any other purpose.

Section 5. Managing Committee. The Commissioners Court of such counties may vest the management of such library in a committee to be selected by the Bar Association of such county, but the acts of such committee shall be subject to the approval of the Commissioners Court.

Section 6. Salaries. The salary of the custodian or librarian and such other employees or assistants as may be necessary shall be fixed by the Commissioners Court and shall be paid out of the funds collected under this Act, or from appropriations made under this Act.

Section 7. Administration of Fund; Space; Rules. Such fund shall be administered by the Commissioners Court, or under its direction, for the purchase and lease of library materials, the maintenance of the Law Library, and the acquisition of all furniture, shelving and equipment necessary thereto, in a place convenient and accessible to the Judges and litigants of such county. The Commissioners Court shall provide suitable space for housing the law library and may, with the advice of the committee referred to in Section 5 of this Act, use funds collected under this Act for the acquisition of such space. Priority in the use of such funds shall be given to providing books, periodicals, other library materials, and staff for the law library. The Commissioners Court of the counties affected by this Act shall make rules for the use of books in said library.

Section 8. Custody and Use of Funds; Claims. All funds for the County Law Library shall be in the custody of the County Treasurer of such county, or other official who may discharge the duties commonly delegated to county treasurers. They shall constitute a separate fund and shall not be used for any other purpose than those of such County Law Library. Each claim against the County Law Library shall be acted upon and allowed or rejected in like manner as other claims against the county.

Section 9. Partial Invalidity. If any section, paragraph, clause, phrase, sentence, or portion of this Act be held invalid or unconstitutional, such invalidity shall not affect the remainder thereof.

ARTICLE 1831b. REPRODUCTION, RECORDING, AND RETENTION OF RECORDS.

Section 1. Plan for Reproduction. (Refer to statute)

Section 2. Requirements of Plan. (Refer to statute)

Section 3. Adoption of Plan. (Refer to statute)

Section 4. Destruction of Original Records. Upon certification of the clerk to the librarian of the state that all requirements have been met and are on record as provided by this plan, the clerk may destroy all records which have been filed with or left in the possession of the clerk in any hearing or proceeding in the court, including all original documents generated by the court in connection with the hearing or proceeding, after one year has elapsed following the time at which the judgment of the court of civil appeals has become final and times for appeal have expired without having perfected appeal, or mandate which is finally decisive of such matters has been issued, further providing, that after these requirements are reached and prior to actual destruction of the instruments and records by the clerk, any party or parties or the state librarian by petitioning the court may move for the return of the documents and records.

ARTICLE 1832. LIBRARIAN -- COURT OF CIVIL APPEALS.

Each clerk shall be librarian in charge of the library of his court, and shall take charge of, keep in good order and make catalogs of the books thereof.

ARTICLE 1899a. RECORDS OF DISTRICT CLERK.

Section 1. Plan for Reproduction. (Refer to statute)

Section 2. Requirements of Plan. (Refer to statute)

Section 3. Adoption of Plan. (Refer to statute)

Section 4. Destruction of Original Records. In any hearing, proceeding, or trial in which instruments and records have been filed with or left in the possession of the District Clerk, and upon certification of the clerk to the Librarian of the State that all requirements have been met and are on record as provided by this plan, the clerk may destroy such instruments and records after one year has elapsed following the time at which the judgment has become final and times for appeal, writ of error, bill of review under Rule 329, Texas Rules of Civil Procedure and certiorari has expired without having been perfected, or mandate which is finally decisive of such matters has been issued, further providing, that after these requirements are reached

and prior to the actual destruction of the instruments and records by the clerk, any party or parties or the State Librarian by petitioning the court may move for the return of such instruments and records.

ARTICLE 1941(a). MICROFILM RECORDS OF COUNTY CLERKS.

Section 1. Microfilming Authorized. (Refer to statute)

Section 2. Official Public Records. (Refer to statute)

Section 3. Microfilm Records Deemed Original Records; Certified Copies. (Refer to statute)

Section 4. Indices. (Refer to statute)

Section 5. Standards for Microfilm Records. (Refer to statute)

Section 6. Checking and Proving Microfilm Records.

(a) Each county clerk and county recorder and clerk of county courts, whenever the original paper record is not retained in the files of the county clerk, shall inspect and check each filmed image on each roll of microfilm, or each filmed image of the discrete group of filmed images against the orignial instrument of writing, legal document, paper or record for accuracy and clarity. A county clerk may reproduce from microfilm onto paper records each filmed image on each roll of microfilm, or each filmed image of the discrete group of filmed images, for the purpose of inspecting and checking each filmed image for accuracy and clarity. Should a microfilm image be defective in any respect, the original instrument of writing, legal document, paper or record, from which said defective filmed image was made, shall be remicrofilmed on a subsequent roll of microfilm, or on a subsequent discrete image or images of a subsequent discrete group of individual images, to obtain acceptable images on microfilm. A record need not be reproduced if it is transferred to the custody of the State Librarian pursuant to state law.

(b) (Refer to statute)

(c) (Refer to statute)

(d) (Refer to statute)

ARTICLE 3722. COPIES AND CERTIFICATES FROM CERTAIN OFFICES.

The Secretary of State, Attorney General, Land Commissioner, Comptroller, Treasurer, Adjutant General, Commissioner of Agriculture, Commissioner of Insurance, Banking Commissioner, and State Librarian shall furnish any person applying for the same with a copy of any paper, document or record in their offices, and with certificates under seal certifying to any fact contained in the papers, documents or records of their offices; and the same shall be received in evidence in all cases in which the originals would be evidence.

ARTICLE 3731. CERTIFIED COPIES FROM HEADS OF DEPARTMENTS.

Certified copies, under the hands and official seals of the heads of departments, of all notes, bonds, mortgages, bills, accounts, or other documents, properly on file in any department of this State, shall be received in evidence on an equal footing with the originals, in all suits now pending, or which may be hereafter instituted, in this State, where the originals of such notes, bonds, mortgages, bills, accounts or other documents would be evidence.

ARTICLE 3731a. OFFICIAL WRITTEN INSTRUMENTS, CERTIFICATES, RECORDS, RETURNS AND REPORTS; PROCEEDINGS OF THE STATE LEGISLATURE; FOREIGN LAWS.

Section 1. Domestic Records. Any written instrument, certificate, record, return, report, or part of report, made by an officer of this State or of any governmental subdivision thereof, or by his deputy, or person or employee under his supervision, in the performance of the functions of his office and employment, shall be, so far as relevant, admitted in the courts of this State as evidence of the matter stated therein, subject to the provisions in Section 3.

Sections 1a. to 6. (Refer to statute)

ARTICLE 3838. PUBLIC LIBRARIES.

All public libraries shall be exempt from attachment, execution and every other specie of forced sale.

ARTICLE 3913. CERTAIN STATE OFFICERS.

The Secretary of State, Land Commissioner, Comptroller, State Treasurer, Commissioner of Agriculture, Banking Commissioner, State Librarian, and the Attorney General, shall furnish to any person who may apply for the same a copy of any paper, document or record in their respective offices, or with a certificate under seal, certifying to any fact or facts contained in the papers, documents or records of their offices unless such paper, document or record is deemed by Statute to be confidential or privileged; provided neither of said officers shall demand nor collect any fee from any officer of the state for copies of any papers, documents or records in their offices, or for any certificate in relation to any matter in their offices, when such copies are required in the performance of any of the official duties of such office.

Each of said officers, and all other officers of the state and heads of state departments hereinafter required to collect fees enumerated below,

shall deposit all fees received for any service named in this Article in the State Treasury to the credit of the General Revenue Fund, provided, however, that the Banking Commissioner shall deposit such fees received in the manner provided by Section 8 of Chapter 139, Acts of the 52nd Legislature, 1951, and provided further, that the Texas Employment Commission shall deposit such fees in accordance with Federal law, and provided further, that any fees collected under this Article by the State Librarian shall be retained by the Texas State Library and Archives Commission.

Each officer named above and all other officers of the state and heads of state departments shall cause to be collected the following fees for the services mentioned, except as otherwise provided by law:

For copies, other than photostatic or photo-copy, of any paper, document or record in their offices, in the English language, for each page or fraction thereof, One Dollar and Fifty Cents ($1.50);

For copies, other than photostatic or photo-copy, of any paper, document or record in their offices in any other language than the English, for each page or fraction thereof, Two Dollars ($2);

For each translated copy of any paper, document or record in their offices, Three Cents (3¢) per word, provided that no charge shall be less than Five Dollars ($5);

For the copy of any plat or map in their offices, such fee as may be established by the officer in whose office the same is made, to be determined with reference to the amount of labor, supplies and materials required;

For each copy by photostatic or other photo process, One Dollar ($1) per page, provided that the State Librarian may charge a fee for this service in an amount to be determined by the State Library and Archives Commission with reference to the amount of labor, supplies and materials required;

For examination or search of records in their offices when the state or any county has no interest, for each one-half (½) hour or fraction of one-half (½) hour spent in such examination or search, One Dollar ($1).

For each sealed certificate affixed to any of the above, One Dollar ($1).

ARTICLE 4331. SECRETARY OF STATE. GENERAL DUTIES.

Among other duties, the Secretary of State shall. . .

9. Turn over to the person in charge of the State Library, immediately upon their receipt, all books, maps, charts, or other publications of a political or miscellaneous character received at his office, and all printed volumes of the statutes or laws of any Nation, State or Territory,

and in like manner turn over to the Supreme Court Librarian all volumes of reports of any courts of any other Nation, State or Territory received by him.

10. Forward to the Librarian of Congress, the Secretary of State of the United States, the Secretary of the Treasury of the United States, and the executive departments of each State of the Union, to each foreign librarian or government with whom a system of library exchange may be established, as he may deem advisable, copies of all laws and judicial reports printed and published by order of the Legislature at the expense of the State.

ARTICLE 4331b. EXCHANGE OF REPORTS.

The Secretary of State is hereby authorized and directed in addition to the exchanges he is now authorized to make under existing law, to make exchanges of the reports of the several appellate courts of the Supreme Court, and the Court of Criminal Appeals, of the Session Acts of the Legislature, of the existing and future revised Civil and Criminal Statutes of this State, and of other state publications and department reports of this State, for the court reports, session acts, revised statutes, civil and criminal, and other State publications, and department reports of the United States Government, of the other States of the Union, and of foreign countries, for the benefit of the law library of the University of Texas, provided that the Secretary of State shall always keep on hand a sufficient number of copies of all State publications to meet the reasonable current demands of the State.

ARTICLE 4334. REPORTS SENT TO WHOM.

The Secretary of State shall deliver, by mail or otherwise, to each appellate judge, the Attorney General, the Governor, each district judge, each professor of law of the University of Texas, the librarian of said University, and to the county judge of each county for the use of the counties, one copy of the reports of said appellate courts hereafter issued; also furnish to each district judge of the United States for Texas one copy of each of said reports for each branch of his courts; and, when it appears that any of the reports of either of said courts have been heretofore furnished and not returned to the Department of State, or when they are hereafter delivered by the State to either of said officers or authorities, the Secretary shall have no authority to send another copy, except on proof that the same have been destroyed by fire, or have been rendered valueless by long use, to be evidenced by the certificate of the officer demanding to be resupplied with such report.

ARTICLE 4413a--7a. STATE AUDITOR. ADMINISTRATIVE SERVICES DIVISION.

(a) The State Auditor shall establish within his office a division to be known as the Administrative Services Division.

(b) The Administrative Services Division shall advise and assist all state agencies in the improvement of procedures relating to:

(1) processing of incoming and outgoing mail;

(2) records management;

(3) microimage recording;

(4) information retrieval systems;

(5) supply storage management;

(6) offset reproduction;

(7) document copying; and

(8) other management problems with respect to which the State Auditor believes the state agencies need assistance or advice.

ARTICLE 4413b. REGULATION OF STYLE AND FORMAT OF AGENCY PERIODIC REPORTS TO GOVERNOR OR LEGISLATURE.

Section 1. In this Act, "agency" means a department, board, commission, office, or other entity in the executive, legislative, or judicial branch of state government, and includes a public university, senior college, or junior college.

Section 2. The state auditor shall promulgate and distribute rules prescribing the style and format of all periodic reports that agencies are required by law to make to the governor, the legislature, or any officer, committee, or agency of the legislature. The rules shall include restrictions on the quality or price of paper used, style or method of printing or typesetting, binding, illustrations, photographs, and other matters relevant to the cost of producing the reports, with the objective or minimizing the cost of the reports without impairing the ability of agencies to make effective reports.

Section 3. In making periodic reports referred to in Section 2 of this Act, each agency shall comply with the rules promulgated by the state auditor, and the comptroller shall refuse to issue a warrant to pay any expenses incurred by an agency in violation of the rules.

ARTICLE 4413(32c). INTERLOCAL COOPERATION ACT.

Section 1. Purpose. It is the purpose of this Act to improve the efficiency and effectiveness of local governments by authorizing the fullest possible range of intergovernmental contracting authority at the local level including contracts between counties and cities, between and among counties,

between and among cities, between and among school districts, and between and among counties, cities, school districts, and other political subdivisions of the state, and agencies of the state.

Section 2. Short Title. This Act may be cited as The Interlocal Cooperation Act.

Section 3. Definitions. As used in this Act:

(1) "local government" means a county; a home rule city or a city, village, or town organized under the general laws of this state; a special district; a school district; a junior college district; any other legally constituted political subdivision of the State of Texas or any adjoining state; or a combination of political subdivisions.

(2) "governmental functions and services" means all or part of any function or service included within the following general areas: police protection and detention services; fire protection; streets, roads, and drainage; public health and welfare; parks; recreation; library services; museum services; waste disposal; planning; engineering; administrative functions; and such other governmental functions which are of mutual concern to the contracting parties.

(3) "administrative functions" means functions normally associated with the routine operation of government such as tax assessment and collection, personnel services, purchasing, data processing, warehousing, equipment repair, and printing.

Section 3A. Bicentennial Exposition. (Refer to statute)

Section 4. Authority to Make Interlocal Contracts and Agreements. (a) Any local government may contract or agree with one or more local governments to perform governmental functions and services under terms of this Act.

(b) The agreements or contracts may be for the purpose of studying the feasibility of contractual performance of any governmental functions or services or may be for the performance of any governmental functions or services which all parties to the contract are legally authorized to perform, provided such contracts or agreements shall be duly authorized by the governing body of each party to the contract or agreement. An interlocal contract or agreement shall state the purpose, terms, rights, objectives, duties, and responsibilities of the contracting parties. Interlocal contracts and agreements may be renewed annually and shall specify the party or parties paying for the performance of governmental functions or services shall make payments therefor from current revenues available to the paying party.

(c) The authority of a political subdivision to perform a contractual service includes the authority to apply the rules, regulations, and ordinances of either the subdivision receiving the service or of the subdivision providing

the service, whichever standard may be agreed upon by the contracting political subdivisions.

(d) The contracting parties to any interlocal contract or agreement shall have full authority to create an administrative agency or designate an existing political subdivision for the supervision of performance of an interlocal contract or agreement and any administrative agency so created or political subdivision so designated shall have the authority to employ personnel and engage in other administrative activities and provide other administrative services necessary to execute the terms of any interlocal contract or agreement. For purposes of this Act any body politic and corporate organized under the laws of this state shall be considered a political subdivision.

(e) The contracting parties to any interlocal contract or agreement shall have full authority to contract with state departments and agencies as defined in Article 4413(32), Vernon's Texas Civil Statutes, or any similar department or agency of an adjoining state. The contracting parties to interlocal contract or agreement shall have specific authority to contract with the Department of Corrections for the construction, operation and maintenance of a regional correctional facility provided that title to the land on which said facility is to be constructed is deeded to the Department of Corrections and provided further that a contract is executed by and between all the parties as to payment for the housing, maintenance and rehabilitative treatment of persons held in jails who cannot otherwise be transferred under authority of existing statutes to the direct responsibility of the Department of Corrections.

(f) No person acting under an interlocal contract or agreement shall be deemed to be holding more than one office of honor, trust, or profit or more than one civil office of emolument.

(g) Pertains to fire protection services. (Refer to statute)

(h) Pertains to regional jail facilities. (Refer to statute)

Section 5. Pertains to water supply and wastewater treatment facility contracts and leases. (Refer to statute)

Section 5A. Emergency Assistance. (Refer to statute)

Section 6. Saving Clause. The enactment of this law shall not affect or imapir any act done or right, obligation, or penalty existing before enactment of this law.

Section 7. Cumulative Clause. The provisions of this Act shall be cumulative of all other laws or parts of laws, general or special.

Section 8. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity

shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

ARTICLE 4413(33). CHARGE FOR SALE OF PUBLICATIONS OF EXECUTIVE DEPARTMENTS AND STATE AGENCIES.

Section 1. Any department or agency in the executive branch of the state government may, unless otherwise specifically directed by statute, set and collect a sales charge for publications and other printed matter when such charges are deemed to be in the public interest.

Section 2. In any instances where the amounts of such sales charges are not specifically set by statute, the charge authorized by this Act shall not be greater than an amount deemed sufficient by the publishing department or agency in the executive branch, to reasonably reimburse the state for the actual expense of printing such publications or printed matter.

Section 3. Money collected from the charges authorized by this Act shall be deposited in the fund from which the costs of printing the respective publications or materials were originally paid, and such moneys shall be subject to appropriation by the Legislature.

Section 4. Nothing in this Act shall be construed as amending or repealing existing laws respecting what publications or materials may be printed by the respective departments or agencies in the executive branch of the government of this state; or as altering the amounts of charges to be made for publications or printed materials specifically set forth in other statutes.

Section 5. Pursuant to the principle set forth in Article 16, Section 21, of the Constitution of Texas, no official or employee of the state government may, directly or indirectly, profit by or have any pecuniary interest in the preparation, printing or duplication, or sale, of publications and other printed matter issued by the respective departments or agencies in the executive branch of the government. Any official or employee who violates the provision of this section shall be dismissed from state employment.

ARTICLE 4413(33a). DISTRIBUTION OF STATE AGENCY PUBLICATIONS.

Section 4. Definitions. In this Act:

(1) "Person" means an individual, association, or corporation.

(2) "Publication" means printed matter containing news or other information. It includes magazines, newsletters, newspapers, pamphlets, and reports.

(3) "State agency" means any department, commission, board, office, or other agency that:

(A) is in the executive branch of state government;

(B) has authority that is not limited to a geographical portion of the state; and

(C) was created by the constitution or a statute of the state.

Section 5. Publication Request Forms. (a) Each state agency that distributes publications to any person or other state agency shall distribute a publication request form on request or with each copy of the last publication that it distributes before January 1 of each year.

(b) The publication request form provides a means of requesting a state agency's publications.

(c) The comptroller of public accounts shall have the publication request forms printed and shall furnish the forms to each state agency that distributes publications. The comptroller shall furnish the forms in sufficient quantities to enable each state agency annually to distribute a form to each person or state agency that receives a publication.

Section 6. Publication Distribution List. (a) If a state agency receives a completed publication request form or a written request for its publications, the agency may place the name of the requestor on its publication distribution list.

(b) A state agency shall compile a distribution list after January 1 of each year from the forms and written requests received for publications for that calendar year.

(c) A state agency may not place the name of a person, state agency, or other entity on the publication distribution list unless the distributing agency has received a completed publication request form or a written request for publications from that person, state agency, or other entity.

Section 7. Distribution of Publications. Except as provided by Section 5 of this Act, a state agency may not distribute a publication to a person, state agency, or other entity unless the name of the person, agency, or entity appears on the distributing agency's publication distribution list.

Section 8. Distribution to Those Not on the List. (a) A state agency may distribute a copy of a publication to a person, state agency, or other entity that is not listed on the publication distribution list if the person, agency, or entity:

(1) has orally or in writing requested a specific copy of a publication prior to or after this Act; or

(2) is a newly elected or appointed state officer, newly appointed executive head of a state agency, or newly established state agency.

(b) A state agency shall send to the Legislative Reference Library five copies of each publication that it distributes. The library shall make available to its users the publications of each state agency.

Section 9. Filing the Publication Request List. Before March 1 of each year, each state agency that distributes publications shall file a copy of its publication distribution list with the comptroller of public accounts. When filed, the lists are public information.

Section 10. Application. Sections 4 through 9 of this Act do not apply to the distribution of information that is required by law.

Section 11. Effective Date. (a) Except as provided by Subsection (b) of this section, Section 4 through 9 of this Act take effect September 1, 1979.

(b) Sections 7 and 8 of this Act take effect January 1, 1980.

ARTICLE 5236d. LANDLORD'S LIEN FOR RENT.

Section 1. Lien on Property for Unpaid Rent. (Refer to statute)

Section 2. Exemptions. Notwithstanding any other statute to the contrary, there shall be exempt from the lien set out in Section 1 above, the following: . . .

(5) family library and all family portraits and pictures, . . .

Section 3 to Section 8. (Refer to statute)

ARTICLE 5429c--2. LEGISLATIVE INFORMATION SYSTEM COMMITTEE.

Section 1. Creation of Committee. The Legislative Information System Committee is established as a permanent legislative service agency of the state.

Section 2. Composition. (a) The committee is composed of:

(1) the chairman of the Senate Administration Committee;

(2) the chairman of the House Administration Committee;

(3) the secretary of the Senate;

(4) the chief clerk of the House;

(5) the director of the Legislative Reference Library;

(6) the director of the Legislative Budget Board;

(7) the executive director of the Texas Legislative Council; and

(8) the State Auditor.

(b) Each member's service on the committee shall be considered an additional duty of his regular office or employment.

(c) Any member of the committee may from time to time designate a member of his staff to act in his place on the committee.

Section 3. Chairman, etc... (Refer to statute)

Section 4. Conduct of Business. (Refer to statute)

Section 5. Expenses. (Refer to statute)

Section 6. Staff, Consultants, etc. . . (Refer to statute)

Section 7. Powers and Duties. (a) The committee shall establish a system, referred to as the Legislative Information System of Texas (LIST), which makes available to the Legislature and its committees and agencies the most modern, efficient, and businesslike equipment, facilities, systems, and techniques that may be provided for the accomplishment of their duties, including data processing systems that will streamline and speed up the drafting, printing, processing, and distribution of legislative documents, the reporting of the status and history of legislative documents, the processing, printing, and distribution of journals, statutory revision, printing, and publication of the session laws and statutes, and all other mechanics involved in the legislative process.

(b) (Refer to statute)

(c) (Refer to statute)

(d) The committee may provide a service that will enable Members of the Legislature, state agencies, and citizens to be informed of the status of pending legislation and other facts related to the legislative process.

Section 8. Funding. (Refer to statute)

Section 9. Severability Clause. (Refer to statute)

ARTICLE 5429g. LEGISLATIVE AGENCIES.

Section 1. In this Act, "legislative agency" means:

(1) the Senate;

(2) the House of Representatives;

(3) a committee, division, department, or office of the Senate or the House;

(4) the Texas Legislative Council;

(5) the Legislative Budget Board;

(6) the Legislative Reference Library;

(7) the State Auditor's Office; or

(8) the Legislative Information System Committee.

Section 2. A legislative agency may provide administrative, professional, clerical, and other services to another legislative agency with or without reimbursement. Reimbursement, if any, shall be made pursuant to a written contract executed by the officer or officers who are authorized to execute contracts for each agency.

Texas State Library and Archives Commission

ARTICLE 5434. ORGANIZATION.

The Governor shall, by and with the advice and consent of the Senate, appoint six (6) persons who shall constitute the Texas State Library and Archives Commission. Appointments shall be made for a term of six (6) years.

Members of the Commission holding office at the time of passage of this Act shall continue in office until the expiration of their present terms.

Upon the expiration of the terms of office of the two (2) members which expire in 1953, the Governor shall, by, and with the advice of the Senate, appoint three (3) persons as members of the Commission. The Governor shall designate one (1) of the appointees to serve a term of two (2) years to expire concurrent with the term of the present member of the Commission whose term of office expires in 1955.

The other two (2) appointees shall serve for six (6) years.

Thereafter all appointments shall be for a six-year term, except that any person appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

The Commission shall be assigned suitable offices at the Capitol where they shall hold at least one regular meeting annually, and as many special meetings as may be necessary. Each such member while in attendance at said meetings shall receive his actual expenses incurred in attending the meetings, and shall be paid a per diem as set out in the General Appropriations Act.

ARTICLE 5434a. APPLICATION OF SUNSET ACT.

The Texas State Library and Archives Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1983.

ARTICLE 5434b. CHANGE OF NAME.

The name of the Texas Library and Historical Commission is changed to the Texas State Library and Archives Commission.

ARTICLE 5435. PURPOSE; POWERS AND DUTIES OF COMMISSION; DIRECTOR AND LIBRARIAN.

The appointed members of the Commission shall be responsible for the adoption of all policies, rules and regulations so as to aid and encourage

libraries, collect materials relating to the history of Texas and the adjoining states, preserve, classify and publish the manuscript archives and such other matters as it may deem proper, diffuse knowledge in regard to the history of Texas, encourage historical work and research, mark historic sites and houses and secure their preservation, and aid those who are studying the problems to be dealt with by legislation. The Commission shall appoint a Director and Librarian who shall perform all of the duties heretofore provided for the State Librarian, and all authority, rights and duties heretofore assigned by statute to the State Librarian are hereby transferred to and shall be performed by the Director and Librarian. He shall be the Executive and Administrative Officer of the Commission and shall discharge all administrative and executive functions of the Commission. He shall have had at least two years' training in library science or the equivalent thereof in library, teaching or research experience and shall have had at least two years of administrative experience in library, research or related fields. The Director and Librarian shall serve at the will of the Commission and shall give bond in the sum of Five Thousand Dollars ($5,000) for the proper care of the State Library and its equipment. He shall be allowed his actual expenses when traveling in the service of the Commission on his sworn account showing such expenses in detail. The Director and Librarian shall appoint, subject to the approval of the Commission, an Assistant State Librarian, a State Archivist, and such other assistants and employees as are necessary for the maintenance of the Library and Archives of the State of Texas.

ARTICLE 5436. POWERS AND DUTIES.

(a) The Commission is authorized and empowered to purchase within the limits of the annual appropriation allowed by Act of the Legislature from time to time suitable books, pictures, etc., the same to be the property of the State. The commission shall have power and authority to receive donations or gifts of money or property upon such terms and conditions as it may deem proper; provided, no financial liability is thereby entailed upon the State. It shall give advice to such persons as contemplate the establishment of public libraries, in regard to such matters as the maintenance of public libraries, selection of books, cataloging and library management. The Commission shall conduct library institutes and encourage library associations.

(b) The Commission shall have the power and authority to transfer books and documents to other libraries which are supported by State appropriation when, in the opinion of the Commission, such transfer would be desirable for

the benefit of the Texas State Library, and provided further that such transfer shall be permanent or temporary as may be decided by the Commission. The Commission shall have further power to exchange duplicate books and documents or to dispose of such books and documents to any public library, state or local, when such books and documents are no longer needed by the Texas State Library. No books or documents which constitute the archives of the Texas State Library shall ever be affected by this Act.

(c) The commission is authorized to accept, receive, and administer federal funds made available by grant or loan or both to improve the public libraries of Texas.

(d) The commission may enter into contracts or agreements with the governing bodies and heads of the counties, cities, and towns of Texas to meet the terms prescribed by the United States and consistent with state law for the expenditure of federal funds for improving public libraries.

ARTICLE 5436a. STATE PLAN FOR LIBRARY SERVICES AND LIBRARY CONSTRUCTION.

The Texas State Library and Archives Commission is authorized to adopt a state plan for improving public library services and for public library construction. The plan shall include county and municipal libraries. The Texas State Library shall prepare the plan for the commission, and shall administer the plan adopted by the Commission. Money to be used may include that available from local, state, and federal sources, and will be administered according to local, state, and federal requirements. The state plan shall include a procedure by which county and municipal libraries may apply for money under the state plan and a procedure for fair hearings for those applications that are refused money.

ARTICLE 5437. SEAL.

The style of the Library governed by the Commission shall be "Texas State Library." A circular seal of not less than one and one-half inches, and not more than two inches in diameter, bearing a star of five points, surrounded by two concentric circles, between which are printed the words, "Texas State Library," is hereby designated the official seal of said library. Said seal shall be used in authentication of the official acts of the State Library.

ARTICLE 5438. CUSTODY OF RECORDS.

The custody and control of books, documents, newspapers, manuscripts, archives, relics, mementos, flags, works of art, etc., and the duty of collecting and preserving historical data, is under the control of the Commission. The

The gallery of the portraits of the Presidents of the Republic and the Governors of this State constitutes a part of the State Library. All books, pictures, documents, publications and manuscripts, received through gifts, purchase or exchange, or on deposit, from any source for the use of the State, shall constitute a part of the State Library, and shall be placed therein for the use of the public.

ARTICLE 5438a. HISTORICAL RELICS.

The Texas State Library and Archives Commission is hereby authorized in their discretion to place temporarily in the custody of the Daughters of the Republic of Texas and the United Daughters of the Confederacy, Texas Division, all or part of the historical relics belonging to the Texas State Library, under such conditions and terms of agreement as will insure the safekeeping of these relics in the Texas Museum.

ARTICLE 5438b. TITLE TO RELICS.

The title of the State to these relics shall not be affected by this transfer.

ARTICLE 5438c. REMOVAL OF RELICS.

The Texas State Library and Archives Commission shall retain the right to remove these relics at any time they may see fit.

ARTICLE 5439. EXCHANGE OF RECORDS.

Any State, county or other official is hereby authorized in his discretion to turn over to the State Library for permanent preservation therein any official books, records, documents, original papers, maps, charts, newspaper files and printed books not in current use in his office; and the State Librarian shall receipt for the same.

ARTICLE 5439a. PHOTOGRAPHIC REPRODUCTIONS AS PUBLIC RECORDS.

When any State official has had photographic reproductions (as defined in Article 5441a) made of any public records (as defined in Article 5441a) in his office, even though such records be current, he may designate such photographic reproductions as original records for all legal purposes and may thereupon transfer the records which have been replaced by the photographic reproductions to the State Librarian, who shall receipt therefor. The State Librarian with the consent of the State Auditor may dispose of transferred records by further transfer or by destruction. Furthermore, when such photo-

graphic reproductions have been designated as original records, then copies thereof, in any form, may be introduced in evidence when properly certified or authenticated according to law.

ARTICLE 5441. DUTIES OF STATE LIBRARIAN.

The duties of the State Librarian, acting under the direction of said Commission, shall be as follows:

1. He shall record the proceedings of the Commission, keep an accurate account of its financial transactions, and perform such other duties as said Commission may assign him; and he shall be authorized to approve the vouchers for all expenditures made in connection with the State Library.

2. He shall have charge of the State Library and all books, pictures, documents, newspapers, manuscripts, archives, relics, mementos, flags, etc., therein contained.

3. He shall endeavor to collect all manuscript records relating to the history of Texas in the hands of private individuals, and where the originals cannot be obtained he shall endeavor to procure authenticated copies. He shall be authorized to expend the money appropriated for the purchase of books relating to Texas, and he shall seek diligently to procure a copy of every book, pamphlet, map or other printed matter giving valuable information concerning this State. He shall collect portraits or photographs of as many of the prominent men of Texas as possible. He shall endeavor to complete the files of the early Texas newspapers in the State Library and other publications of this state as seem necessary to preserve in the State Library an accurate record of the history of Texas.

4. He shall demand and receive from the officers of State departments having them in charge, all books, maps, papers, manuscripts, documents, memoranda and data not connected with or necessary to the current duties of said officers, relating to the history of Texas, and carefully classify, catalogue and preserve the same. The Attorney General shall decide as to the proper custody of such books, etc., whenever there is any disagreement as to the same.

5. He shall endeavor to procure from Mexico the original archives which have been removed from Texas and relate to the history and settlement thereof, and if he cannot procure the originals, he shall endeavor to procure authentic copies thereof. In like manner he shall procure the originals or authentic copies of manuscripts preserved in other archives beyond the limits of this State, in so far as said manuscripts relate to the history of Texas.

6. He shall preserve all historical relics, mementos, antiquities and works of art connected with and relating to the history of Texas, which may in any way come into his possession as State Librarian. He shall constantly

endeavor to build an historical museum worthy of the interesting and important history of this State.

7. He shall give careful attention to the proper classification, indexing and preserving of the official archives that are now or may hereafter come into his custody.

8. He shall make a biennial report to the Commission, to be by it transmitted to the Governor, to be accompanied by such historical papers and documents as he may deem of sufficient importance.

9. He shall ascertain the condition of all public libraries in this State and report the results to the Commission. He is authorized in his discretion to withold from libraries refusing or neglecting to furnish their annual reports or such other information as he may request, public documents furnished the Commission for distribution, or interlibrary loans desired by such libraries.

ARTICLE 5441a. RECORDS MANAGEMENT DIVISION

Section 1. Establishment and Maintenance; Duties; Qualifications of Assistant. The Texas State Library and Archives Commission is hereby authorized to establish and maintain in the State Library a records management division which (1) shall manage all public records of the state with the cooperation of the heads of the various departments and institutions in charge of such records and (2) shall also conduct a photographic laboratory for the purpose of making photographs, microphotographs, or reproductions on film, or to arrange for all or part of such work to be done by an established commercial agency which meets the specifications established by this Article for the proper accomplishment of the work. The assistant who shall be appointed by the Commission to head such division shall have had appropriate training and experience in the field of public records management.

Section 2. Definitions. For the purpose of this Article:

"Photographic reproduction" shall mean reproduction by any photographic process, including that by microprint or by microphotography on film, including both negative and positive copies.

"Public Records" means document, book, paper, photograph, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in the Article.

"Department or institution" shall mean any state department, institution, board or commission, whether executive, educational, judicial or eleemosynary in character.

"Head of department or institution" shall mean the official or officials, whether appointive or elective, who has or have authority over the records of the department or institution involved.

"Local units of government" shall mean all local units of government, including cities, towns, counties, and districts.

Section 3. Surveying, Indexing, Classification and Destruction of Records; Duties of Department Heads Pertaining to Records. With the cooperation of the heads of the various departments and institutions the public records of such departments and institutions shall be surveyed, indexed and classified under the direction of the records management division. Furthermore, with the approval of the State Director and Librarian the head of any department or institution may destroy any public records in his custody which, in his opinion have no further legal, administrative or historical value, provided, however, that he shall first file application to do so with the State Director and Librarian, describing in such application the original purposes and contents of such public records, and provided further, that the approval of the State Auditor shall also be required with regard to the destruction of public records of a fiscal or financial nature. The head of any department or institution shall (1) establish and maintain an active, continuing program for the economical and efficient management of the records of the agency; (2) make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the legal and financial rights of the state and of persons directly affected by the agency's activities; and (3) submit to the Director, Records Management Division of the State Library, in accordance with the standards established by him, schedules proposing the length of time each state record series warrants retention for administrative, legal or fiscal purposes after it has been promulgated or received by the agency. The head of each department and institution also shall submit lists of public records in his custody that do not have sufficient administrative, legal or fiscal value to warrant their retention, for disposal in conformity with the requirements of this Section. The head of each department or institution shall act as, or shall appoint an employee of his department or institution performing other administrative duties to act as, a records administrator of the department or institution. Such records administrator shall comply with the rules, regulations, standards and procedures issued by the Director of the Records Management Division.

Section 4. Photographic Reproductions. The State Director and Librarian, either on his own initiative or upon request of the head of any department or

institution, may provide for the making of photographic reproductions of the public records of any department or institution, and such public records shall be open to the State Director and Librarian for such purpose; provided, however, that no such action shall be taken except with the consent of the head of such department or institution.

Section 5. Quality and Accuracy of Photographic Reproductions. Any photographic reproduction made by microprint or by microphotography on film shall comply with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards, and the devices used to reproduce such public records shall be those which accurately reproduce the original thereof in all details.

Section 6. Private or Public Use of Photographic Reproductions. The State Director and Librarian is hereby authorized to make photographic reproductions for private and public use on the following basis: (1) For official use of departments and institutions no charge shall be made; (2) for the official use of local units of government charge shall be made on a cost basis; (3) for copies of public records for private use charge shall be at a rate to be fixed by the State Director and Librarian in keeping with standard commercial rates. All money received by the State Library in payment for charges for photographic reproduction shall be paid into the State Treasury.

Section 6a. Report of State Auditor; Contents. The State Auditor, in the audit of the various agencies of the state, shall include the following information in his report:

(1) the degree to which the agency has complied with records disposal instructions and transfer agreements in order to reduce filing space and equipment required to house records;

(2) the date when records were last reviewed for transfer or disposal; and

(3) revisions required in scheduled transfer and disposal dates.

ARTICLE 5441b. DISPOSITION OF VALUELESS RECORDS.

Section 1. The State Librarian of the State of Texas is hereby authorized to transfer, destroy or otherwise dispose of any records of the State of Texas consigned by law to his custody that are more than ten (10) years old and which the State Librarian shall determine to be valueless, or of no further use, to the State of Texas as official records. Provided, however, none of such records shall be disposed of in any manner unless the State Comptroller, the State Auditor and the Attorney General of the State of Texas shall first have agreed with the State Librarian that the preservation of any such records are no longer necessary as evidence and will serve no useful purpose in the future efficient operation of the State Government. All such records disposed

of, as agreed upon, shall be generally listed and referred to and such list shall be subscribed to by all of said Officials showing their consent to such disposition.

Section 2. Any such records which the Attorney General, State Comptroller, State Auditor and State Librarian, or any one or more of them deem necessary to preserve, may be so preserved by microfilming such records and such microfilm copies shall thereupon constitute original records for all legal purposes. Thereafter the originals of such records may be disposed of in such manner as such Officials may agree on; provided, however, that such microfilming shall be done only if funds are available for that purpose or are appropriated by the Legislature of the State of Texas for that purpose to cover the cost of such microfilming for the State of Texas.

Section 3. Any such records held to be no longer needed for the operation of the State Government or those replaced by microfilm copies may nevertheless be transferred to the Archives Division of the Texas State Library if the State Librarian deems them to be of historical value.

ARTICLE 5441c. DESTRUCTION OF WORTHLESS RECORDS.

Section 1. State records have been allowed to accumulate over a period of years to the detriment of a well-organized records management program. It is necessary, therefore, to adopt special provisions for the selection of essential state records and the destruction of worthless material.

Section 2. The State Auditor, Board of Barber Examiners, Board of Control, Board of Cosmetology, Board of Medical Examiners, Board of Pardons and Paroles, Board of Regents of the State Teachers Colleges, Department of Labor and Standards, Comptroller, Court of Civil Appeals for the Third Supreme Judicial District, Governor's Office, Health Department, Insurance Commission, Legislative Budget Board, Parks and Wildlife Commission, Railroad Commission, Real Estate Commission, Secretary of State, State Securities Board, Teacher Retirement System, Texas Education Agency, Texas State Library, Texas Water Commission, and the Treasury Department shall examine all books, papers, correspondence and records of any kind belonging to each respective agency, dated prior to 1952, which are stored with the Records Management Division.

Section 3. Each agency listed in Section 2 of this Act shall:

(1) classify and index its own records;

(2) furnish the Records Management Division of the State Library and Archives Commission a copy of the index in which they shall list the records to be preserved;

(3) name a retention period on records which are to be stored for a definite period of time; and

(4) request destruction of worthless records and material in compliance with Article 5441a, Revised Civil Statutes of Texas, 1925, as amended.

ARTICLE 5441d. PRESERVATION OF ESSENTIAL RECORDS ACT.

Section 1. Purpose. The Legislature declares that records containing information essential to the operation of government and the protection of the rights and interests of persons must be protected against the destructive effects of all forms of disaster and must be available when needed. It is necessary, therefore, to adopt special provisions for the selection and preservation of essential state records to provide for the protection and availablilty of such information.

Section 2. Short Title. This Act may be cited as the "Preservation of Essential Records Act."

Section 3. Definitions. In this Act, unless the context requires a different meaning:

(1) "essential record" means any written or graphic material made or received by any state agency in the conduct of the state's official business, which is filed or intended to be preserved permanently or for a definite period of time, as evidence of that business;

(2) "agency" means any state department, institution, board, or commission, whether executive, judicial, legislative, or eleemosynary in character;

(3) "departmental records supervisor" means the person or persons having authority over the records of the department involved;

(4) "disaster" means any occurence of fire, flood, storm, earthquake, explosion, epidemic, riot, sabotage, or other condition of extreme peril resulting in substantial damage or injury to persons or property within this state, whether the occurrence is caused by an act of nature or man; and

(5) "preservation duplicate" means a copy of an essential record which is used for the purpose of preserving such state record.

Section 4. Records Preservation Advisory Committee. A Records Preservation Advisory Committee is established to advise the Records Preservation Officer and to perform other duties as this Act requires. The committee is composed of the State Librarian, Secretary of State, State Auditor, State Comptroller, Attorney General, or their delegated agents, the Secretary of the Senate and the Chief Clerk of the House of Representatives, all of whom serve as ex-officio members of the committee. The committee shall work with and is a part of the Records Management Division of the Texas State Library and Archives Commission.

(b) The State Librarian is the chairman of the committee.

(c) The committee shall:

(1) adopt rules for the conduct of its business;

(2) meet when called by the chairman, at least twice each year; and

(3) appoint consultants from time to time to obtain the best professional advice on the performance of its duties.

(d) The consultants shall serve without compensation, but shall be reimbursed for actual expenses incurred while performing their duties.

Section 5. Records Preservation Officer. The Director of the Records Management Division is also the Records Preservation Officer. The Records Preservation Officer shall establish and maintain such rules and regulations concerning the selection and preservation of essential state records as are necessary and proper to effectuate the purpose of this Act.

Section 6. Bond. The State Librarian and the Records Preservation Officer shall each execute and file with the Secretary of State a good and sufficient bond, payable to the State of Texas, in an amount consistent with his duties to be set by the committee and conditioned on the faithful performance of his duties.

Section 7. Essential State Records. State records which are within the following categories are essential records which shall be preserved under this Act:

(1) Category A-Records containing information necessary to the operations of government in an emergency created by a disaster; and

(2) Category B-Records to protect the rights and interests of individuals, or to establish and affirm the powers and duties of government in the resumption of operations after a disaster.

Section 8. Confidential Records. When a state record is required by law to be treated in a confidential manner the departmental records supervisor shall so indicate by labeling such record. The Records Preservation Officer and his staff shall protect the confidential nature of any record so labeled. Any employee who fails in this responsibility shall be dismissed from his duties and shall not be permitted to hold another state appointment.

Section 9. Selection of Records. (a) Each agency shall select the state records which are essential to carrying out the work of its organization and shall determine the category of the record.

(b) In accordance with the rules and regulations promulgated by the Records Preservation Officer each departmental records supervisor shall:

(1) inventory the state records in his custody or control;

(2) submit to the Records Preservation Officer a report on the inventory containing, in addition to the information required by the rules and regulations, specific information showing which records are essential; and

(3) review periodically his inventory and his report and, if necessary, revise his report so that it is current, accurate and complete.

Section 10. Preservation Duplicates. The Records Preservation Officer shall make, or cause to be made, preservation duplicates, or shall designate

as preservation duplicates existing copies of essential state records. A preservation duplicate made by means of photography, microphotography, photocopying, or microfilm shall be made in conformity with the standards prescribed by the Records Preservation Officer, and which shall conform to the rules of the United States Bureau of Standards.

Section 11. Use of Duplicate. A preservation duplicate made by a photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. A transcript, exemplification or certified copy of such preservation duplicate shall be deemed for all purposes to be a transcript, exemplification or certified copy of the original record.

Section 12. Record Storage. The Records Preservation Officer shall prescribe the place and manner of safekeeping of essential state records or preservation duplicates and shall establish storage facilities therefor. At least one copy of all essential records, together with a duplicate Seal of the State of Texas, shall be housed in the safest possible location and in facilities constructed to withstand blast, fire, water and other destructive forces. The storage facilities for the preservation duplicates, or the original record, must be in a place other than the legally designated or customary record storage location.

Section 13. Removal from Storage; Temporary Use. The Records Preservation Officer shall properly maintain essential state records and preservation duplicates stored by him. An essential state record, or preservation duplicate, stored by the Records Preservation Officer shall be recalled by the regularly designated custodian of a state agency record for temporary use when necessary for the proper conduct of his office and shall be returned by such custodian to the Records Preservation Officer immediately after such use.

Section 14. Removal from Storage; Inspection. When an essential state record is stored by the Records Preservation Officer, the Records Preservation Officer, upon request of the regularly designated custodian of the state record, shall provide for its inspection, or for the making or certification of copies thereof and such copies when certified by the Records Preservation Officer shall have the same force and effect as if certified by the regularly designated custodian.

Section 15. Program Review. The Records Preservation Officer and the committee shall at least once every two years review the entire program established by this Act.

Section 16. Reports of Compliance. In the audit of the various state agencies, the State Auditor shall report on the compliance of each state agency with all provisions of this Act.

ARTICLE 5442a. STATE PUBLICATIONS AND DEPOSITORY LIBRARIES FOR STATE DOCUMENTS.

Section 1. In this Act:

(1) "State publication" means printed matter that is produced in multiple copies by the authority of or at the total or partial expense of a state agency. The term includes publications sponsored by or purchased for distribution by a state agency and publications released by private institutions, such as research and consulting firms, under contract with a state agency, but does not include correspondence, interoffice memoranda, or routine forms.

(2) "State agency" means any state office, officer, department, division, bureau, board, commission, legislative committee, authority, institution, substate planning bureau, university system or institution of higher education as defined by Section 61.003, Texas Education Code, as amended, or any of their subdivisions.

(3) "Depository libraries" means the Texas State Library, the Texas Legislative Reference Library, the Library of Congress, the Center for Research Libraries and other libraries that the Texas State Library and Archives Commission designates as depository libraries.

Section 2. The Texas State Library and Archives Commission shall adopt rules to establish procedures for the distribution of state publications to depository libraries and for the retention of those publications. The commission may contract with a depository library to receive all or a part of the state publications that are distributed.

Section 3. (a) Each state agency shall furnish to the Texas State Library its state publications in the quantity specified by the rules of the Texas State Library and Archives Commission. The commission may not require more than 75 copies of a state publication.

(b) On the printing of or the awarding of a contract for the printing of a publication, a state agency shall arrange for the required number of copies to be deposited with the Texas State Library.

Section 4. The Texas State Library shall:

(1) acquire, organize, and retain the state publications;

(2) collect state publications and distribute them to depository libraries;

(3) establish a microform program for the preservation and management of state publications and make available state publications in microform to depository and other libraries at a reasonable cost;

(4) periodically issue a list of all state publication that it has received to all depository libraries and to other libraries on request;

(5) catalog, classify, and index all state publications that it has received and distribute the cataloging, classification, and indexing information to depository libraries and to other libraries on request; and

(6) ensure that state publications are fully represented in regional and national automated library networks.

Section 5. Each state agency shall designate one or more staff persons as the agency's publications contact person and shall notify the Texas State Library of the identity of each person selected. A state agency's contact person shall furnish to the Texas State Library each month a list of all of the agency's state publications that were produced during the preceding month.

Section 6. If a state agency's printing is done by contract, an account for the printing may not be approved and a warrant for the printing may not be issued unless the agency first furnishes to the State Board of Control a receipt from the state librarian for the publication or a written waiver from the state librarian exempting the publication from the requirements of this Act.

Section 7. The state librarian may specifically exempt a publication from the requirements of this Act.

ARTICLE 5442b. REGIONAL HISTORICAL RESOURCE DEPOSITORIES.

Section 1. Definitions. In this Act, unless the context requires a different meaning:

(1) "Commission" means the Texas State Library and Archives Commission.

(2) "Historical resource" means any book, publication, newspaper, manuscript, paper, document, memorandum, record, map, picture, photograph, microfilm, sound recording, or other material of historical interest or value.

(3) "Depository" means a regional historical resource depository authorized under this Act.

(4) "State Librarian" means the director and librarian of the Texas State Library.

Section 2. Designation of Regional Depositories. In order to provide for an orderly, uniform, state-wide system for the retention and preservation of historical resources on a manageable basis and under professional care in the region of origin or interest, the Texas State Library and Archives Commission is hereby authorized to designate to serve as a regional historical resources depository any institution which meets standards established by the commission in accordance with Section 3 Chapter 503, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5442b, Vernon's Texas Civil Statutes).

Section 2A. Acceptance of Gifts and Donations. (a) To further implement the establishment of regional historical resource depositories, the commission is authorized, without obligation to the state or the general revenue fund, to accept, on behalf of the state, lands and buildings deemed by the commission as suitable for regional historical resource depositories, and to accept cash or property donations designated by the donors for the purpose of constructing libraries and regional depositories. For these purposes, the commission may enter into such agreements with donors as it may deem advisable for the acceptance, designation, and construction of such regional depositories or combined library and depository centers, but such agreements may not create any financial obligation on behalf of the state.

(b) Such regional libraries and depositories, when so accepted and designated by the commission, shall be subject to the applicable terms and provisions of this Act, except that they shall be owned by the state and under the direct control and supervision of the commission. The commission may provide for local staffing and maintenance, and may enter into any cooperative agreements it deems advisable with any city, county, state institution, or other governmental entity. The commission may accept gifts of furniture, equipment, maps, paintings, records, manuscripts, museum pieces, or any other historical resource for placement in the depositories upon conditions agreed upon between the commission and the donor of such a gift.

(c) If cash is donated and accepted by the commission for the building, maintenance, supplementing, expanding, or staffing of any such regional depository, or combined library and regional depository, the commission is authorized to keep such funds in a separate bank depository designated by the commission and to use such funds for the purposes designated by the donors. Also, if personal or real property is specifically donated to, and accepted by, the commission for the purpose of sale or lease to provide funds for any of the purposes of this Act, the proceeds received therefrom shall be deposited and used in the same manner as provided above for cash donations. In converting such donated property to cash, the commission may execute bills of sale, leases, or deeds in consideration of the payment to the commission by the purchasers or lessees of such donated property of the reasonable market value thereof as determined in writing by a licensed or professional appraiser. Such instruments of conveyance shall be authorized by writted resolution of the commission and shall be signed by the chairman and attested to by the secretary.

(d) Subject to the terms of any donation given under this section, and unless otherwise provided by the donor, the commission, in acting for the

state with respect to any donated property, shall have all of the applicable powers of trustees under the Texas Trust Act, as amended (Articles 7425b-1, et seq., Vernon's Texas Civil Statutes), with the state as beneficiary and owner of the remainder of such donated property. The commission shall annually report to the governor and the legislature all such donations, transactions, agreements, and special accounts, and same shall be subject to audit by the state auditor.

Section 3. Area Served; Resource Preservation, etc. The commission shall specify the geographical area of the state to be served by the designated depository and the methods of accessioning, cataloguing, housing, preserving, servicing, and caring for the historical resources which may be placed in the depository by or in the name of the commission.

Section 4. Transfer or Loan of Resources. (a) The commission may transfer to a depository historical resources which are under the custody and control of the commission.

(b) The commission may lend to a depository, for purposes of research or exhibit, and for such length of time and on such conditions as the commission may determine, historical resources which are under the custody and control of the commission.

(c) The commission may transfer historical resources placed by or in the name of the commission in a depository to another depository.

Section 5. Offer, Acceptance and Loan of Resources. (a) County commissioners, other custodians of public records, and private parties may offer, and the Texas State Library and Archives Commission may accept, historical resources for preservation and retention in a depository.

(b) County commissioners, other custodians of public records, and private parties may lend historical resources to a depository for such length of time and on such conditions as the commission may prescribe.

Section 6. Removal of Resources. Nothing in this Act shall be construed so as to prevent the commission from removing historical resources placed by or in the name of the commission in depositories if the commission determines that such removal would insure the safety or availability of the historical resources.

Section 7. Rules and Regulations; Notice and Hearing; Publication. (a) Proposed initial rules and regulations necessary to the administration of the system of depositories shall be formulated by the State Librarian.

(b) These proposed rules and regulations shall be published in the official publication of the Texas State Library. Such publication shall include notice of a public hearing before the commission on the proposed rules and regulations to be held on a date certain not less than 30 nor more than 60 days following the date of such publication.

(c) Following the public hearing, the commission shall approve the proposed rules and regulations or return them to the State Librarian with recommendations for change. If the commission returns the proposed rules and regulations to the State Librarian, the State Librarian shall consider the recommendations for change and resubmit the proposed rules and regulations to the commission for its approval.

(d) Revised rules and regulations shall be adopted under the same procedure provided in this Act for the adoption of the initial rules and regulations.

Section 8. Duties of State Librarian. The State Librarian shall supervise the system of depositories and shall promulgate the rules and regulations approved by the commission.

Section 9. Appropriations. The legislature may appropriate funds to the Texas State Library and Archives Commission sufficient for the purpose of carrying out the provisions of this Act.

Section 10. Conflicting Laws Repealed. All laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

ARTICLE 5442c. MAINTENANCE AND DISPOSITION OF CERTAIN COUNTY RECORDS.

Section 1. Definitions. In this Act:

(1) "County record" means any record required or authorized by law to be maintained in a county or precinct office or the office of district clerk.

(2) "Custodian" means the officer responsible for keeping a county record.

Section 2. Records Manual. (a) The state librarian shall direct the staff of the regional historical resource depository program in the preparation of a county records manual. Those preparing the manual shall consult with affected local officials and other interested persons.

(b) The manual shall list the various types of county records, state the minimum retention period prescribed by law for those records for which a minimum retention period is so prescribed, and prescribe a minimum retention period for all other county records except those subject to Section 8 of this Act. When the manual takes effect, those retention periods prescribed by it for county records for which no retention period is prescribed by law have the same effect as if they were prescribed by law.

(c) The manual also shall contain information to assist local officials in carrying out their functions under this Act, including model records schedules and implementation plans, and may prescribe rules consistent with this Act governing the disposition of obsolete county records.

(d) The manual has no legal effect until it is approved by a majority of the members of a review committee constituted as provided in Section 3 of

this Act. The committee's approval is effective when a copy of the manual and a statement of its approval, signed and acknowledged by a majority of the members of the committee, is filed in the office of the Secretary of State.

(e) The state librarian may amend the manual from time to time. An amendment is effective when the state librarian files a certified copy of the amendment in the office of the Secretary of State, except that an amendment must first be approved by a review committee in the same manner as provided for approval of the original manual if it:

(1) prescribes a minimum retention period for a county record required by law to be kept and for which a minimum retention period is not prescribed by state law;

(2) changes a minimum retention period established by the manual; or

(3) changes the rules governing disposition of obsolete county records.

Section 3. Review Committee. (a) A review committee required under this Act is composed of:

(1) the state librarian, who is chairman of the committee;

(2) the attorney general;

(3) a representative of the Texas Historical Commission, appointed by the commission; and

(4) one county clerk; one district clerk; one county judge or county commissioner; one county auditor; one county, district, or criminal district attorney; one county treasurer; one sheriff; and one county assessor-collector of taxes, each of whom shall be appointed by the state librarian.

(b) Except as provided in Subsection (d) of this section, an officer is eligible for appointment to the review committee under Subdivision (4), Subsection (a) of this section only if:

(1) he has been nominated by a petition signed by at least 50 other officers of the type nominated; or

(2) he has been nominated by an organization representing officers of the type nominated that has as members at least 50 of those officers.

(c) For the purposes of Subsection (b) of this section, county judges and commissioners are of the same type and county, district, and criminal district attorneys are of the same type.

(d) At least 30 days before making an appointment under Subdivision (4), Subsection (a) of this section, the state librarian shall cause to be published in the Texas Register a notice of his intention to make the appointment. If the state librarian does not receive a nomination for a particular type of officer meeting the requirements of Subsection (b) of

this section before the 31st day after the notice is published, a nomination is not required.

(e) Service on a review committee by a public officer is an additional duty of his office.

(f) Members of the committee receive no compensation, but they are entitled to be paid their actual expenses incurred on committee business. The payment of the expenses of the attorney general and the representative of the Texas Historical Commission shall be paid from funds of the attorney general's office and the commission, respectively. The payment of the expenses of other members of the committee shall be from funds of the Texas State Library and Archives Commission.

(g) A review committee ceases to exist when it completes the work for which it was constituted unless it is sooner discharged by the state librarian.

Section 4. Records Schedule and Implementation Plan. (a) A custodian of county records may prepare a records schedule applicable to his office and a plan for its implementation. On the request of the custodian, the state librarian and the staff of the regional historical resource depository program shall assist the custodian in this regard by furnishing him recommended model records schedules and implementation plans and other information.

(b) A records schedule, if prepared, shall contain an inventory of county records kept by the custodian. It shall prescribe a minimum retention period for each type of record. The retention period for each type of record must be at least as long as that prescribed by law or established in the county records manual.

(c) If a custodian prepares a records schedule, he shall also prepare an implementation plan that prescribes, in conformity with this Act, the manner and procedure for disposing of records no longer needed on the expiration of the applicable retention period.

(d) The records schedule and implementation plan take effect when the custodian files a certified copy of the schedule and plan in the office of the county clerk. A custodian may amend an existing schedule or plan. An amendment takes effect when the custodian files a certified copy of it in the office of the county clerk.

Section 5. Disposition of Obsolete Records. (a) When the retention period expires for a county record subject to an approved records schedule and implementation plan, and in the judgment of the custodian the record is no longer needed, he may dispose of the record in accordance with the implementation plan, the county records manual, and the provisions of this Act.

(b) No county record may be destroyed pursuant to an implementation plan unless at least 60 days before the day it is destroyed the custodian gives written notice to the state librarian of his intention to destroy the record. The notice must sufficiently describe the record to enable the state librarian to determine if it should be transferred to the state library for preservation in a regional historical resource depository. If the state librarian requests that a record be transferred, the custodian shall comply with the request. Otherwise, the record may be destroyed.

(c) County records may be destroyed only by the sale of them for recycling purposes or by shredding them or burning them. Regardless of the method used, adequate safeguards must be employed to insure that they do not remain in their original state and are no longer recognizable as county records.

(d) No later than the 10th day before records are destroyed, the custodian shall file and record with the county clerk a notice stating which records are to be destroyed, how they are to be destroyed, and the date they are to be destroyed. The same day the notice is filed, the county clerk shall post a copy of it in the same manner that notices of meetings are posted under Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes).

(e) No person is civilly liable for the destruction of a record in accordance with this Act and an approved records schedule and implementation plan.

Section 6. Transferral of Records to State Library. (a) A custodian may transfer to the state library for preservation in a regional historical resource depository any county record that is not needed for administrative purposes.

(b) When a custodian transfers a county record to the state library under Subsection (a) of this section or under Subsection (b), Section 5 of this Act, the state librarian shall give the custodian a receipt for the record. The custodian is not required to make a microfilm or other copy of the record before transferring it.

(c) The state librarian may make certified copies of county records that have been transferred to the state library. Each certified copy shall state that it is a true and correct copy of the record in the state librarian's custody. A certified copy made under the authority of this subsection has the same force and effect for all purposes as a copy certified by the county clerk or other custodian as provided by law.

Section 7. Microfilming of Records. This Act does not require the microfilming of county records, but an implementation plan may include provision

for microfilming of records in accordance with other state law.

Section 8. Exceptions. This Act does not permit the establishment of a retention period for:

(1) any county record that affects the title to real property, other than a recorded lien that is no longer enforceable;

(2) a will;

(3) the minutes of a commissioners court; or

(4) the pleadings or any order, decree, or judgment, or any instrument incorporated by reference in an order, decree, or judgment, in a civil case in a court of record.

ARTICLE 5443. SALE OF ARCHIVES.

The Commission is authorized to sell copies of the Texas Archives, printed with funds appropriated for that purpose, at a price not to exceed twenty-five percent above the cost of publishing, and all moneys received from such sale shall be paid into the State Treasury. One copy of each such volume may be distributed free to the Governor, the members of the Legislature, and to the libraries, indicated in the preceding article.

ARTICLE 5444a. LEGISLATIVE REFERENCE LIBRARY.

Section 1. Definitions. In this Act, unless the context requires a different meaning,

(1) "library" means the legislative reference library;

(2) "board" means the legislative library board;

(3) "director" means the director of the legislative reference library.

Section 2. Transfer of Functions and Duties. The functions and duties now performed by the legislative reference section of the state library are transferred to the legislative reference library, which is established as an independent agency of the legislature.

Section 2a. Application of Sunset Act. The Legislative Reference Library is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the library is abolished, and this Act expires effective September 1, 1989.

Section 3. Board; Membership and Expenses. (a) The library is under the control of, and administered by, the legislative library board composed of the lieutenant governor, the speaker of the House of Representatives, the chairman of the Senate finance committee, the chairman of the appropriations committee of the House of Representatives, and one other member of the Senate and one other member of the House of Representatives, appointed by the president of the Senate and the speaker of the House of Representatives, respectively.

(b) Members of the legislative library board are not entitled to compensation for service on the board, but each member is entitled to reimbursement for actual and necessary expenses incurred in attending meetings and performing official duties, to be paid out of funds appropriated to the board.

Section 4. Contents of Library; Aid to Legislature. The library shall maintain for the use and information of the members of the legislature, the heads of state departments, and citizens of the state, a legislative reference library containing checklists and catalogues of current legislation in this and other states, catalogues of bills and resolutions presented in either House of the Legislature, checklists of public documents of the several states, including all reports issued by departments, agencies, boards, and commissions of this state, and digests of public laws of this and other states as may best be made available for legislative use. The director and employees of the library shall give any aid and assistance requested by members of the Legislature in researching and preparing bills and resolutions.

Section 5. Director; Appointment, Term and Salary; Personnel. The board shall appoint a director who shall serve for a period of one year from September 1st of each year, unless sooner discharged by said board for any reason. The salary of the director shall be fixed by the board. The director may, with the approval of the board, employ professional and clerical personnel at salaries fixed by the board.

Section 6. Transfer of Property; Inventory. All books, documents, files, records, equipment, and property of all kinds owned or used by the legislative reference section of the state library, and all facilities used for storage, are transferred to the library. The director and librarian of the state library and the director of the library shall sign a written agreement showing an inventory of all property to be transferred. When the agreement is signed, the comptroller of public accounts shall transfer to the library the property listed, enter the property in the inventory of the library, and delete the property from the inventory of the state library.

Section 7. Library or Depository; Disposition of Legislative Documents.

(a) The library is a depository library, as that term is defined by Section 2, Chapter 438, Acts of the 58th Legislature, 1963 (Article 5442a, Vernon's Texas Civil Statutes), and shall receive state documents and documents and publications from other states which are distributed by the state library, in the manner in which they were received by the legislative section of the state library.

(b) All printed daily legislative journals, bills, resolutions, and other legislative documents shall be delivered daily to the library, and

at the close of each legislative session all daily journals, bills, and resolutions in the hands of the sergeant-at-arms of the House of Representatives and the Senate shall be delivered to the library to be disposed of at the discretion of the director.

Section 8. Transfer of Appropriations. All money appropriated by the legislature to the state library and historical commission for the purpose of operating and administering the legislative reference section of the state library is transferred to the board to be used only for operating and administering the library.

Section 9. Rules and Regulations. The board shall make all reasonable rules and regulations which are necessary to insure efficient operation of the library.

ARTICLE 5444b. STATE LAW LIBRARY.

Section 1. Definitions. In this Act, unless the context requires a different meaning:

(1) "Library" means the State Law Library.

(2) "Board" means the State Law Library Board.

(3) "Director" means the director of the State Law Library.

Section 2. Transfer of Functions and Duties to Library; Status as State Agency. The functions and duties now performed by the library of the Supreme Court under Article 1722, Revised Civil Statutes of Texas, 1925, are transferred to the State Law Library, which is established as an independent agency of the State.

Section 2a. Application of Sunset Act. The State Law Library is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the library is abolished, and this Act expires effective September 1, 1987.

Section 3. Board; Members or Representatives; Compensation. (a) The library is under the control of, and administered by, the State Law Library Board composed of the chief justice of the Supreme Court, the presiding judge of the Court of Criminal Appeals, and the Attorney General. Each member of the board may designate a personal representative to serve for him.

(b) Members of the board or their designated representatives are not entitled to compensation for service on the board, but each member or representative is entitled to reimbursement for actual and necessary expenses incurred in attending meetings and performing official duties, to be paid out of funds appropriated to the board.

Section 4. Legal Reference Facility; Use. The library shall maintain a legal reference facility to include the statutes and case reports from

the several states and legal journals and periodicals. The facility shall be maintained for the use and information of the members and staff of the:

(1) Supreme Court;

(2) Court of Criminal Appeals;

(3) Attorney General's Department;

(4) commissions, agencies, and boards of the other branches of State government; and

(5) citizens of the State.

Section 5. Director; Staff Personnel; Salaries. The board shall employ a director of the library and shall fix his salary. The director shall be accountable only to the board and shall serve at the pleasure of the board. The director may, with the approval of the board, employ professional and clerical personnel at salaries fixed by the board.

Section 6. Transfer of Books, etc. to Library. All books, documents, files, records, equipment, and property of all kinds owned and used by the Supreme Court Library, the Court of Criminal Appeals library, and the Attorney General's library are transferred to the State Law Library.

Section 7. State Law Library Fund; Appropriations; Transfers to Fund; Effect Upon Other Law Libraries. During the biennium ending August 31, 1973, the Comptroller of Public Accounts is herby authorized and directed to set up an account to be known as the State Law Library Fund and is authorized and directed to set up an account to be known as the State Law Library Fund and is authorized and directed to transfer into such account from time to time moneys appropriated to the Supreme Court for the purpose of operating and administering the Supreme Court Library. For the purpose of operating and administering the library for the Court of Criminal Appeals, the Comptroller is authorized and directed to transfer into such account from time to time such amounts as may be necessary for such court's appropriation for consumable supplies and materials or other designation for its library purposes. For the purpose of operating and administering the library for the Attorney General, the Comptroller is authorized and directed to transfer into such account from time to time such amounts as may be necessary from the appropriation to the Attorney General's office for consumable supplies and materials or other designation for its library purposes. Such transfers may be made on the direction of the Chief Justice of the Supreme Court, the Presiding Judge of the Court of Criminal Appeals, and the Attorney General, respectively. Moneys in the State Law Library Fund may be expended by the board or its duly authorized representative for the purpose of maintaining, operating, and keeping up to date the State Law Library. Moneys appropriated for use of the libraries of the Supreme Court, Court of Criminal Appeals, and the Attorney General's

office during the present biennium shall not be affected by this Act.

Section 8. Transfer of Books, etc. to University of Texas Law School Library. The library may transfer any books, papers, and publications located in and belonging to the library to the library of the Law School of the University of Texas. The transfer may be made only on the unanimous vote of the members of the board. By majority vote, the board may recall any books, papers, or publications transferred by authority of this section.

Section 9. Rules and Regulations. The board shall make all reasonable rules and regulations which are necessary to insure efficient operation of the library.

ARTICLE 5445. ASSISTANTS.

The Commission shall appoint an assistant librarian who shall rank as head of a department and who in the absence of the State Librarian may sign and certify accounts and documents in the same manner and with the same legal authority as the State Librarian. Said assistant shall give bond to the Governor in the sum of three thousand dollars and shall take the official oath. Other assistants in the State Library shall be appointed by the Commission and be divided into four grades: Heads of departments, library assistants, clerks and laborers. Heads of departments and library assistants shall be required to have technical library training; and heads of departments shall have had at least one year of experience in library work prior to appointment. Clerks shall be required to hold a diploma from a first class high school according to the standards of the State Board of Education or the University of Texas, or to present satisfactory evidence of educational training equal to that provided by such high school, and also to present satisfactory evidence of proficiency in stenography and typewriting or bookkeeping. Laborers must present safisfactory evidence of education sufficient to do such elementary clerical work as shall be required of them. The archivist must present satisfactory evidence of one year's advance work in American or Southwestern history in a standard college and of a fluent reading knowledge of Spanish and French; provided, that the archivist shall not be required to have technical library school training or any library experience.

ARTICLE 5446. REPORT TO GOVERNOR.

The Commission shall make a biennial report to the Governor, which shall include the biennial report of the State Librarian. Said report shall present a comprehensive view of the operation of the Commission in the

discharge of the duties imposed by this title, shall present a review of the library conditions in this State, present an itemized statement of the expenditures of the Commission, make such recommendations as their experience shall suggest, and present careful estimates of the sums of money necessary for the carrying out of the provisions of this title. Said report shall be made and printed, and by the Governor laid before the Legislature as other departmental reports.

ARTICLE 5446a. LIBRARY SYSTEMS ACT.

CHAPTER A. General Provisions.

Section 1. Short Title. This Act may be cited as the Library Systems Act.

Section 2. Definitions. In this Act, unless the context requires a different definition:

(1) "public library" means a library operated by a single public agency or board that is freely open to all persons under identical conditions and receives its financial support in whole or in part from public funds;

(2) "Commission" means the Texas State Library and Archives Commission;

(3) "State Librarian" means the director and librarian of the Texas State Library;

(4) "library system" means two or more public libraries cooperating in a system approved by the Commission to improve library service and to make their resources accessible to all residents of the area which the member libraries collectively serve;

(5) "state library system" means a network of library systems, interrelated by contract, for the purpose of organizing library resources and services for research, information, and recreation to improve statewide library service and to serve collectively the entire population of the state;

(6) "major resource system" means a network of library systems attached to a major resource center, consisting of area libraries joined cooperatively to the major resource center and of community libraries joined cooperatively to area libraries or directly to the major resource center;

(7) "major resource center" means a large public library serving a population of 200,000 or more within 4,000 or more square miles, and designated as the central library of a major resource system for referral service from area libraries in the system, for cooperative service with other libraries in the system, and for federated operations with other libraries in the system;

(8) "area library" means a medium-sized public library serving a population of 25,000 or more, which has been designated as an area library

by the Commission and is a member of a library system interrelated to a major resource center;

(9) "community library" means a small public library serving a population of less than 25,000, which is a member of a library system interrelated to a major resource center;

(10) "contract" means a written agreement between two or more libraries to cooperate, consolidate, or receive one or more services;

(11) "standards" means the criteria established by the Commission which must be met before a library may be accredited and eligible for membership in a major resource system;

(12) "accreditation of libraries" means the evaluation and rating of public libraries and library systems using the standards as a basis;

(13) "governing body" means that body which has the power to authorize a library to join, participate in, or withdraw from a library system; and

(14) "library board" means the body which has the authority to give administrative direction or advisory counsel to a library or library system.

CHAPTER B. State Library System.

Section 3. Establishment. The Commission shall establish and develop a state library system.

Section 4. Advisory Board. (a) The Commission shall appoint an advisory board of five librarians qualified by training, experience, and interest to advise the Commission on the policy to be followed in the application of the provisions of this Act.

(b) The term of office of a board member is three years, except that the initial members shall draw lots for terms, one to serve a one-year term, two to serve a two-year term, and two to serve a three-year term.

(c) The board shall meet at least once a year. Other meetings may be called by the Commission during the year.

(d) The members of the board shall serve without compensation, but shall be reimbursed their actual and necessary expenses incurred in the performance of their official duties.

(e) Vacancies shall be filled for the remainder of the unexpired term in the same manner as original appointments.

(f) No member may serve more than two consecutive terms.

Section 5. Plan of Service. The State Librarian shall submit an initial plan for the establishment of the state library system and an annual plan for the development of the system for review by the advisory board and approval by the Commission.

CHAPTER C. Major Resource System.

Section 6. Authority to Establish. The Commission may establish and develop major resource systems in conformity with the plan for a state library system as provided in Chapter B, Section 5 of this Act.

Section 7. Membership in System. (a) Eligibility for membership in the system is dependent on accreditation of the library by the Commission on the basis of standards established by the Commission.

(b) To meet population change, economic change, and changing service strengths of member libraries, a major resource system may be reorganized, merged with another system, or partially transferred to another system by the Commission with the approval of the majority of the appropriate governing bodies of the libraries comprising the system.

Section 8. Operation and Management. (a) Governing bodies within a major resource system area may join in the development, operation, and maintenance of the system and appropriate and allocate funds for its support.

(b) Governing bodies of political subdivisions of the state may negotiate separately or collectively a contract with the governing bodies of member libraries of a major resource system for all library services or for those services defined in the contract.

(c) On petition of 10 percent of the qualified electors in the latest general election of a county, city, town, or village within the major resource system service area, the governing body of that political subdivision shall call an election to vote on the question of whether or not the political subdivision shall establish contractual relationships with the major resource system.

(d) The governing body of a major resource center and the Commission may enter into contracts and agreements with the governing bodies of other libraries, including but not limited to other public libraries, school libraries and media centers, academic libraries, technical information and research libraries, or systems of such libraries, to provide specialized resources and services to the major resource system in effecting the purposes of this act.

Section 9. Withdrawal from Major Resource System. (a) The governing body of any political subdivision of the state may by resolution or ordinance withdraw from the system. Notice of withdrawal must be made not less than 90 days before the end of the major resource center fiscal year.

(b) The provision for termination of all or part of a major resource system does not prohibit revision of the system by the Commission, with the approval of the majority of the appropriate governing bodies, by reorganization, by transfer of part of the system, or by merger with other

systems.

(c) The governing body of a public library which proposes to become a major resource center shall submit an initial plan of service for the major resource system to the State Librarian. Thereafter, the governing body of the major resource center shall submit an annual plan of system development, made in consultation with the advisory council, to the State Librarian.

Section 10. Advisory Council. (a) An advisory council for each major resource system is established, consisting of six lay members representing the member libraries of the system.

(b) The governing body of each member library of the system shall elect or appoint a representative for the purpose of electing council members. The representatives shall meet following their selection and shall elect the initial council from their group. Thereafter, the representatives in an annual meeting shall elect members of their group to fill council vacancies arising due to expiration of terms of office. Other vacancies shall be filled for the unexpired term by the remaining members of the council. The major resource center shall always have one member on the council.

(c) The term of office of a council member is three years, except that the initial members shall draw lots for terms, two to serve a one-year term, two to serve a two-year term, and two to serve a three-year term. No individual may serve more than two consecutive terms.

(d) The council shall elect a chairman, vice chairman, and secretary.

(e) The council shall meet at least once a year. Other meetings may be held as often as is required to transact necessary business. A majority of the council membership constitutes a quorum. The council shall report business transacted at each meeting to all member libraries of the system.

(f) The members of the council shall serve without compensation, but shall be reimbursed their actual and necessary expenses incurred in the performance of their official duties.

(g) The council shall serve as a liaison agency between the member libraries and their governing bodies and library boards to:

(1) advise in the formation of the annual plan for service to be offered by the system;

(2) recommend policies appropriate to services needed;

(3) evaluate services received;

(4) counsel with administrative personnel; and

(5) recommend functions and limitations of contracts between cooperating agencies.

(h) The functions of the advisory council in no way diminish the powers

of local library boards.

CHAPTER D. Constituents of Major Resource Systems.

Section 11. Major Resource Center. (a) The Commission may designate major resource centers. Designation shall be made from existing public libraries on the basis of criteria approved by the Commission and agreed to by the governing body of the library involved.

(b) The governing body of the library designated by the Commission as a major resource center may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(c) The Commission may revoke the designation of a major resource center which ceases to meet the criteria for a major resource center or which fails to comply with obligations stated in the resolution or ordinance agreements. The Commission shall provide a fair hearing on request of the major resource center.

(d) Funds allocated by governing bodies contracting with the major resource center and funds contributed from state grants-in-aid for the purposes of this Act shall be deposited with the governing body operating the major resource center following such procedures as may be agreed to by the contributing agency.

(e) The powers of the governing board of the major resource center in no way diminish the powers of local library boards.

Section 12. Area Library. (a) The Commission may designate area libraries within each major resource system service area to serve the surrounding area with library services for which contracts are made with participating libraries. Area libraries may be designated only from existing public libraries and on the basis of criteria approved by the Commission and agreed to by the governing body of the library involved.

(b) The governing body of the library designated by the Commission as an area library may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(c) The Commission may revoke the designation of an area library which ceases to meet the criteria for an area library or fails to comply with obligations stated in the resolution or ordinance agreement. The Commission shall provide a fair hearing on request of the major resource center or area library.

(d) Funds allocated by governing bodies contracting with the area library and funds contributed from state grants-in-aid for the purposes of this Act shall be deposited with the governing body operating the area library following such procedures as may be agreed to by the contributing agency.

Section 13. Community Library. (a) Community libraries accredited by the Commission are eligible for membership in a major resource system.

(b) A community library may join a system by resolution or ordinance of its governing body and execution of contracts for service.

(c) The Commission may terminate the membership of a community library in a system if the Community library loses its accreditation by ceasing to meet the minimum standards established by the Commission or fails to comply with obligations stated in the resolution or ordinance agreement.

CHAPTER E. State Grants-In-Aid to Libraries.

Section 14. Establishment. (a) A program of state grants within the limitations of funds appropriated by the Texas Legislature shall be established.

(b) The program of state grants shall include one or more of the following:

(1) system operation grants, to strengthen major resource system services to member libraries, including grants to reimburse other libraries for providing specialized services to major resource systems;

(2) incentive grants, to encourage libraries to join together into larger units of service in order to meet criteria for major resource system membership;

(3) establishment grants, to help establish libraries which will qualify for major resource system membership in communities without library service; and

(4) equalization grants, to help libraries in communities with relatively limited taxable resources to meet criteria for major resource system membership.

Section 15. Rules and Regulations. (a) Proposed initial rules and regulations necessary to the administration of the program of state grants, including qualifications for major resource system membership, shall be formulated by the State Librarian with the advice of the advisory board.

(b) These proposed rules and regulations shall be published in the official publication of the Texas State Library. Such publication shall include notice of a public hearing before the Commission on the proposed rules and regulations to be held on a date certain not less than 30 nor more than 60 days following the date of such publication.

(c) Following the public hearing, the Commission shall approved the proposed rules and regulations or return them to the State Librarian with recommendations for change. If the Commission returns the proposed rules and regulations to the State Librarian with recommendations for change, the

State Librarian shall consider the recommendations for change in consultation with the advisory board and resubmit the proposed rules and regulations to the Commission for its approval.

(d) Revised rules and regulations shall be adopted under the same procedure provided in this Chapter for the adoption of the initial rules and regulations.

Section 16. Administration. The State Librarian shall administer the program of state grants and shall promulgate the rules and regulations approved by the Commission.

Section 17. Funding. (a) The Commission may use funds appropriated by the Texas Legislature for personnel and other administrative expenses necessary to carry out the provisions of the Act.

(b) Libraries and library systems may use state grants for materials; for personnel, equipment, and administrative expenses; and for financing programs which enrich the services and materials offered a community by its public library.

(c) State grants may not be used for site acquisition, construction, or for acquisition of buildings, or for payment of past debts.

(d) State aid to any free tax-supported public library is a supplement to and not a replacement of local support.

(e) Exclusive of the expenditure of funds for administrative expenses as provided in Section 17(a) of this Act, all funds appropriated pursuant to Section 14 of this Act shall be apportioned among the major resource systems on the following basis:

Twenty-five percent of such funds shall be apportioned equally to the major resource systems and the remaining seventy-five percent shall be apportioned to them on a per capita basis determined by the last decennial census or the most recent official population estimate of the U.S. Department of Commerce, Bureau of the Census. This section takes effect September 1, 1979.

CHAPTER F. Other Provisions.

Section 18. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 19. Emergency Clause. The importance of this legislation and the crowded condition of the calendars in both houses created an emergency and an imperative public necessity that the Constitutional Rule requiring

bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

ARTICLE 6081e. ACQUISITION OF LANDS AND BUILDINGS FOR...HISTORICAL MUSEUMS AND SITES.

Section 1. Authorization to Acquire....Any county or incorporated city of this state, either independently or in cooperation with each other, may acquire by gift or purchase any historic book, painting, sculpture, coin, or collections of any such objects, or collections of any kind, of historical significance to such city or county or combinations of cities and counties.

Section 1A to 5. (Refer to Statute).

ARTICLE 6144g. TEXAS COMMISSION ON THE ARTS.

Section 3. The duties and responsibilities of the (Texas) Commission (on the Arts) shall be:

(b) To act as an advisor to the...Texas State Library...and other state agencies to provide a concentrated state effort in encouraging and developing an appreciation for the arts in Texas. (For other sections of this Article, refer to statute).

ARTICLE 6145-11. TEXAS 1986 SESQUICENTENNIAL COMMISSION.

Section 1. Commission. The Texas 1986 Sesquicentennial Commission is established.

Section 2. Membership.

(a) (Refer to statute)

(b) ...The ex-officio members are the executive heads of the...Texas State Library and Archives Commission....

(c) to (e) (Refer to statute)

Sections 3 to 11. (Refer to statute.)

ARTICLE 6252-11c. USE OF PRIVATE CONSULTANTS BY STATE AGENCIES.

Section 1. Definitions. (Refer to statute)

Section 2. Exemption. (Refer to statute)

Section 3. Use and Selection of Private Consultant. (Refer to statute)

Section 4. Notice of Intent to Employ Consultant. (Refer to statute)

Section 5. Information Relating to Consultant Studies. (a) After a state agency contracts to use a private consultant, the state agency shall, upon request, supply the Legislative Budget Board and the Governor's Budget and Planning Office with copies of all documents, films, recordings, or

reports of intangible results of the consultant service that are developed by the private consultant.

(b) Copies of all documents, films, recordings, or reports of intangible results shall be filed with the Texas State Library and shall be retained by the library at least five years after receipt.

(c) As part of the biennial budgetary hearing process conducted by the Legislative Budget Board and the Governor's Budget and Planning Office, a state agency shall supply the Legislative Budget Board and the Governor's Budget and Planning Office with reports on what action was taken in response to the recommendations of any private consultant employed by the state agency.

Section 6. Publication in Texas Register.

(c) The Texas State Library shall compile a list of documents, films, recordings, and reports of intangible results submitted to it under Section 5(b) of this Act and shall file the list in each quarter of the calendar year with the Secretary of State for publication in the Texas Register.

(For other provisions of this section, refer to statute)

ARTICLE 6252-14. DENIAL OF RIGHT TO WORK BECAUSE OF AGE.

Section 1. It is hereby declared to be the policy of the State of Texas that no person shall be denied the right to work, to earn a living, and to support himself and his family solely because of age.

Section 2. No agency, board, commission, department, or institution of the government of the State of Texas, nor any political subdivision of the State of Texas, shall establish a maximum age under sixty-five (65) years nor a minimum age over twenty-one (21) years for employment, nor shall any person who is a citizen of this State be denied employment by any such agency, board, commission, department or institution or any political subdivision of the State of Texas solely because of age; provided, however, nothing in this Act shall be construed to prevent the imposition of minimum and maximum age restrictions for law enforcement peace officers or for fire-fighters; provided, further, that the provisions of this Act shall not apply to institutions of higher education with established retirement programs.

ARTICLE 6252-16. DISCRIMINATION AGAINST PERSONS BECAUSE OF RACE, RELIGION, COLOR, SEX OR NATIONAL ORGIN.

Section 1. Prohibition on Discriminatory Action by State or Local Government Officers or Employees. (a) No officer or employee of the state or of a political subdivision of the state, when acting or purporting to act in his official capacity, may:

(1) refuse to employ a person because of the person's race, religion, color, sex, or national origin;

(2) discharge a person from employment because of the person's race, religion, color, sex, or national origin;

(3) refuse to issue a license, permit, or certificate to a person because of the person's race, religion, color, sex, or national orgin;

(4) revoke or suspend the license, permit or certificate of a person because of the person's race, religion, color, sex, or national origin;

(5) refuse to permit a person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or a political subdivision of the state, because of the person's race, religion, color, sex, or national origin;

(6) refuse to permit a person to participate in a program owned, operated, or managed by or on behalf of the state or a political subdivision of the state, because of the person's race, religion, color, sex, or national origin;

(7) refuse to grant a benefit to, or impose an unreasonable burden upon, a person because of the person's race, religion, color, sex, or national origin;

(8) refuse to let a bid to a person because of the person's race, religion, color, sex, or national origin.

(b) The provisions of (a) of this Section do not apply to a public school official who is acting under a plan reasonably designed to end discriminatory school practices.

Section 2. Equitable Remedy. Whenever a person has engaged, or there are reasonable grounds to believe that a person is about to engage in an act or practice prohibited by Section 1 of this Act, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved. In an action commenced under this Section, the court, in its discretion, may allow the prevailing party, other than the state, a reasonable attorney's fee as part of the costs, and the state is liable for costs the same as a private person.

Section 2a. Officers or Employees of Political Subdivisions; Discriminatory Employment Practices; Hearing Procedure. (a) A political subdivision of this state may establish a formal procedure by ordinance or

other action of the governing body for processing a charge of a dicriminatory act or practice prohibited by Section 1(a) (1) or (2) of this Act, against an officer or employee of the political subdivision. The political subdivision which adopts this formal procedure shall have authority to promulgate rules and regulations to effectuate the purpose of this Act.

(b) The procedure must include the following:

(1) Provision for an impartial hearing within a reasonable time after the receipt of a written charge;

(2) Appointment of an impartial hearing officer or board to investigate and determine the validity of the charge;

(3) Delegation of authority to the impartial hearing officer or board to take appropriate corrective action if a violation has occurred, including, but not limited to, reinstatement, hiring, or promotion of the aggrieved individual, with or without back pay, or any other equitable relief necessary to correct and rectify the violation; and

(4) Designation of an officer as the deferral officer to receive notice of alleged unlawful employment practices from the Equal Employment Opportunity Commission as provided for in Public Law 88-352, Title VII, Section 706(c); 78 Stat. 241 (42 U.S.C. 2000e-5).

(c) If a political subdivision establishes a formal procedure in compliance with this section, the deferral officer designated in the procedure shall become the appropriate local official for purposes of receiving the notice as set out in Section 4 of this Act.

Section 3. Penalty. A person who knowingly violates a provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than One Thousand Dollars ($1,000) or by imprisonment in the county jail for not more than one year or both.

Section 4. Notice of Alleged Unlawful Employment Practice. The District Attorneys and/or County Attorneys of this state are hereby designated as the appropriate state or local official to receive the notice of an alleged unlawful employment practice occurring in this state from the Equal Employment Opportunity Commission as provided for in Public Law 88-352, Section 706 (c); 78 Stat. 241 (42 U.S.C.2000e-5).

ARTICLE 6252-17. PROHIBITION ON GOVERNMENTAL BODIES FROM HOLDING MEETINGS WHICH ARE CLOSED TO THE PUBLIC.

Section 1. Definitions. As used in this Act:

(a) "Meeting" means any deliberation between a quorum of members of a governmental body at which any public business or public policy over which the governmental body has supervision or control is discussed or

considered, or at which any formal action is taken. It shall not be construed that the intent of this definition is to prohibit the gathering of members of the governmental body in numbers of a quorum or more for social functions unrelated to the public business which is conducted by the body or for attendance of regional, state, or national conventions or workshops as long as no formal action is taken and there is no deliberation of public business which will appear on the agenda of the respective body.

(b) "Deliberation" means a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business.

(c) "Governmental body" means any board, commission, department, committee, or agency within the executive or legislative department of the state, which is under the direction of one or more elected or appointed members; and every Commissioners Court and city council in the state, and every deliberative body having rule-making or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city; and the board of trustees of every school district, and every county board of school trustees and county board of education; and the governing board of every special district heretofore or hereafter created by law.

(d) "Quorum" unless otherwise defined by constitution, charter, rule or law applicable to such governing body, means a majority of the governing body.

Section 2. Application of Act. (a) Except as otherwise provided in this Act or specifically permitted in the Constitution, every regular, special, or called meeting or session of every governmental body shall be open to the public; and no closed or executive meeting or session of any governmental body for any of the purposes for which closed or executive meetings or sessions are hereinafter authorized shall be held unless the governmental body has first been convened in open meeting or session for which notice has been given as hereinafter provided and during which open meeting or session the presiding officer has publicly announced that a closed or executive meeting or session will be held and identified the section or sections under this Act authorizing the holding of such closed or executive session.

(b) In this Act, the Legislature is exercising its rule-making powers to prohibit secret meetings of the Legislature, its committees, or any other bodies associated with the Legislature, except as otherwise specifically permitted by the Constitution.

(c) A governmental body may exclude any witness or witnesses from a

hearing during examination of another witness in the matter being investigated.

(d) (Refer to statute)

(e) Private consultations between a governmental body and its attorney are not permitted except in those instances in which the body seeks the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of a public body's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with this Act.

(f) The public may be excluded from that portion of a meeting during which a discussion is had with respect to the purchase, exchange, lease, or value of real property, negotiated contracts for prospective gifts or donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the governmental body as between such body and a third person, firm or corporation.

(g) Nothing in this Act shall be construed to require governmental bodies to hold meetings open to the public in cases involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing.

(h) (Refer to statute)

(i) All or any part of the proceedings in any public meeting of any governmental body as defined hereinabove may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction.

(j) Nothing in this Act shall be construed to require governing bodies to deliberate in open meetings regarding the deployment, or specific occasions for implementation, of security personnel or devices.

(k) Nothing in this Act shall be construed to allow a closed meeting of a governing body when such closed meeting is prohibited, or where open meetings are required, by charter.

(l) Whenever any deliberations or any portion of a meeting are closed to the public as permitted by this Act, no final action, decision, or vote with regard to any matter considered in the closed meeting shall be made except in a meeting which is open to the public and in compliance with the requirements of Section 3A of this Act.

(m) Nothing in this act shall be construed to require school boards operating under consultation agreements provided for by Section 13.901 of the Texas Education Code to deliberate in open meetings regarding the standards, guidelines, terms, or conditions it will follow or instruct its

representatives to follow, in consultation with representatives of employee groups.

(n) Nothing in this Act shall be construed to require an agency wholly financed by Federal funds to deliberate in open meetings.

(o) (Refer to statute)

(p) (Refer to statute)

Section 3. Mandamus or Injunction to Prevent Closed Meetings. Any interested person, including bona fide members of the news media, may commence an action either by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of this Act by members of a governing body.

Section 3A. Notice of Meetings. (a) Written notice of the date, hour, place, and subject of each meeting held by a governmental body shall be given before the meeting as prescribed by this section, and any action taken by a governmental body at a meeting on a subject which was not stated on the agenda in the notice posted for such meetingis voidable. The requirement for notice prescribed by this section does not apply to matters about which specific factual information or a recitation of existing policy is furnished in response to an inquiry made at such meeting, whether such inquiry is made by a member of the general public or by a member of the governmental body. Any deliberation, discussion, or decision with respect to the subject about which inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting of such governmental body for which notice has been provided in compliance with this Act.

(b) A State governmental body shall furnish notice to the Secretary of State, who shall then post the notice on a bulletin board to be located in the main office of the Secretary of State at a place convenient to the public.

(c) A city governmental body shall have a notice posted on a bulletin board to be located at a place convenient to the public in the city hall.

(d) A county governmental body shall have a notice posted on a bulletin board located at a place convenient to the public in the county courthouse.

(e) A school district shall have a notice posted on a bulletin board located at a place convenient to the public in its central administrative office and, in addition, shall either furnish a notice to the county clerk in the county in which most, if not all, of the school district's pupils reside or shall give notice by telephone or telegraph to any news media requesting such notice and consenting to pay any and all expenses incurred by the school district in providing special notice.

(f) and (g) (Refer to statute)

(h) Notice of a meeting must be posted in a place readily accessible to the general public at all times for at least 72 hours preceding the scheduled time of the meeting, except that notice of a meeting of a state board, commission, department, or officer having statewide jurisdiction, other than the Industrial Accident Board or the governing board of an institution of higher education, must be posted by the Secretary of State for at least seven days preceding the day of the meeting. In case of emergency or urgent public necessity, which shall be expressed in the notice, it shall be sufficient if the notice is posted two hours before the meeting is convened. Provided further, that where a meeting has been called with notice thereof posted in accordance with this subsection, additional subjects may be added to the agenda for such meeting by posting a supplemental notice, in which the emergency or urgent public necessity requiring consideration of such additional subjects is expressed. In the event of an emergency meeting, or in the event any subject is added to the agenda in a supplemental notice posted for a meeting other than an emergency meeting, it shall be sufficient if the notice or supplemental notice is posted two hours before the meeting is convened, and the presiding officer or the member calling such emergency meeting or posting supplemental notice to the agenda for any other meeting shall, if request therefor containing all pertinent information has previously been filed at the headquarters of the governmental body, give notice by telephone or telegraph to any news media requesting such notice and consenting to pay any and all expenses incurred by the governmental body in providing such special notice. The notice provisions for legislative committee meetings shall be as provided by the rules of the house and senate.

Section 4. Violations and Penalties. (a) Any member of a governing body who wilfully calls or aids in calling or organizing a special or called meeting or session which is closed to the public, or who wilfully closes or aids in closing a regular meeting or session to the public, or who wilfully participates in a regular, special, or called meeting or session which is closed to the public where a closed meeting is not permitted by the provisions of this Act, shall be guilty of a misdemeanor and on conviction is punishable by a fine of not less that $100 nor more than $500 or imprisonment in the county jail for not less than one month nor more than six months or both.

(b) Any member or group of members of a governing body who conspire to circumvent the provisions of this Act by meeting in numbers less than a quorum for the purpose of secret deliberations in contravention of this Act shall be guilty of a misdemeanor and on conviction is punishable by a fine of not less than $100 nor more than $500 or imprisonment in the county jail for not less than one month nor more than six months or both.

Section 5. (Refer to statute)

ARTICLE 6252-17a. ACCESS BY PUBLIC TO INFORMATION IN CUSTODY OF GOVERNMENTAL AGENCIES AND BODIES.

Section 1. Declaration of Policy. Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the the State of Texas that all persons are, unless otherwise expressly provided by law, at all times entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. To that end, the provisions of this Act shall be liberally construed with the view of carrying out the above declaration of public policy.

Section 2. Definitions. In this Act:

(1) "Governmental body" means:

(A) any board, commission, department, committee, institution, agency, or office within the executive or legislative branch of the state government, or which is created by either the executive or legislative branch of the state government, and which is under the direction of one or more elected or appointed members;

(B) the commissioners court of each county and the city council or governing body of each city in the state;

(C) every deliberative body having rulemaking or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city;

(D) the board of trustees of every school district, and every county board of school trustees and county board of education;

(E) the governing board of every special district;

(F) the part, section, or portion of every organization, corporation, commission, committee, institution, or agency which is supported in whole or in part by public funds, or which expends public funds. Public funds as used herein shall mean funds of the State of Texas or any governmental subdivision thereof;

(G) the Judiciary is not included within this definition.

(2) "Public records" means the portion of all documents, writings, letters, memoranda, or other written, printed, typed, copied, or developed materials which contains public information.

Section 3. Public Information. (a) All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body, with the following exceptions only:

(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

(2) information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; provided, however, that all information in personnel files of an individual employee within a governmental body is to be made available to that individual employee or his designated representative as is public information under this Act;

(3) information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of that state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

(4) information which, if released, would give advantage to competitors or bidders;

(5) information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor;

(6) drafts and working papers involved in the preparation of proposed legislation;

(7) matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure;

(8) records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement;

(9) private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy;

(10) trade secrets and commercial or financial information obtained

from a person and privileged or confidential by statute or judicial decision;

(11) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than one in litigation with the agency;

(12) information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act;

(13) geological and geophysical information and data including maps concerning wells, except information filed in connection with an application or proceeding before any agency;

(14) student records at educational institutions funded wholly, or in part, by state revenue; but such records shall be made available upon request of educational institution personnel, the student involved; or that student's parent, legal guardian, or spouse;

(15) birth and death records maintained by the Bureau of Vital Statistics in the State of Texas;

(16) the audit working papers of the State Auditor; and

(17) the home addresses and home telephone numbers of peace officers as defined by Article 2.12, Code of Criminal Procedure, 1965, as amended, or by Section 51.212, Texas Education Code.

(b) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from individual members or committees of the legislature to use for legislative purposes.

(c) The custodian of the records may in any instance within his discretion make public any information contained within Section 3, Subsection (a) 6,9,11, and 15.

(d) It is not intended that the custodian of public records may be called upon to perform general research within the reference and research archives and holdings of state libraries.

Section 4. Application for Public Information. On application for public information to the custodian of information in a governmental body by any person, the custodian shall promptly produce such information for inspection or duplication, or both, in the offices of the governmental body. If the information is in active use or in storage and, therefore, not available at the time a person asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within a reasonable time when the record will be available for the exercise of the

right given by this Act. Nothing in this Act shall authorize any person to remove original copies of public records from the offices of any governmental body without the written permission of the custodian of the records.

Section 5. Custodian of Public Records Described. (a) The chief administrative officer of the governmental body shall be the custodian of public records, and the custodian shall be responsible for the preservation and care of the public records of the governmental body. It shall be the duty of the custodian of public records, subject to penalties provided in this Act, to see that the public records are made available for public inspection and copying; that the records are carefully protected and preserved from deterioration, alteration, mutilation, loss, removal, or destruction; and that public records are repaired, renovated, or rebound when necessary to preserve them properly. When records are no longer currently in use, it shall be within the discretion of the agency to determine a period of time for which said records will be preserved.

(b) Neither the custodian nor his agent who controls the use of public records shall make any inquiry of any person who applies for inspection or copying of public records beyond the purpose of establishing proper identification and the public records being requested; and the custodian or his agent shall give, grant, and extend to the person requesting public records all reasonable comfort and facility for the full exercise of the right granted by this Act.

Section 6. Specific Information Which is Public. Without limiting the meaning of other sections of this Act, the following categories of information are specifically made public information:

(1) reports, audits, evaluations, and investigations made of, for, or by, governmental bodies upon completion;

(2) the names, sex, ethnicity, salaries, title, and dates of employment of all employees and officers of governmental bodies;

(3) information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by governmental bodies, not otherwise made confidential by law;

(4) the names of every official and the final record of voting on all proceedings in governmental bodies;

(5) all working papers, research material, and information used to make estimates of the need for, or expenditure of, public funds or taxes by any governmental body, upon completion of such estimates;

(6) the name, place of business, and the name of the city to which local sales and use taxes are credited, if any, for the named person, of

persons reporting or paying sales and use taxes under the Limited Sales, Excise, and Use Tax Act;

(7) descriptions of an agency's central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(8) statements of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(9) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(10) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency;

(11) each amendment, revisions, or repeal of 7, 8, 9 and 10 above;

(12) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(13) statements of policy and interpretations which have been adopted by the agency;

(14) administrative staff manuals and instructions to staff that affect a member of the public;

(15) information currently regarded by agency policy as open to the public.

Section 7. Attorney General Opinions. (a) If a governmental body receives a written request for information which it considers within one of the exceptions stated in Section 3 of this Act, but there has been no previous determination that it falls within one of the exceptions, the governmental body within a reasonable time, no later than ten days, after receiving a written request must request a decision from the attorney general to determine whether the information is within that exception. If a decision is not so requested, the information shall be presumed to be public information.

(b) The attorney general shall forthwith render a decision, consistent with standards of due process, to determine whether the requested information is a public record or within one of the above stated exceptions. The specific information requested shall be supplied to the attorney general but shall not be disclosed until a final determination has been made. The attorney general shall issue a written opinion based upon the determination made on the request.

Section 8. Writ of Mandamus. If a governmental body refuses to request an attorney general's decision as provided in this Act, or to supply public information or information which the attorney general has determined to be a public record, the person requesting the information or the attorney general may seek a writ of mandamus compelling the governmental body to make the information available for public inspection.

Section 9. Cost of Copies of Public Records. (a) The cost to any person requesting noncertified photographic reproductions of public records comprised of pages up to legal size shall not be excessive. The State Board of Control shall from time to time determine the actual cost of standard size reproductions and shall periodically publish these cost figures for use by agencies in determining charges to be made pursuant to this Act.

(b) Charges made for access to public records comprise in any form other than up to standard size pages or in computer record banks, microfilm records, or other similar record keeping systems, shall be set upon consultation between the custodian of the records and the State Board of Control, giving due consideration to the expenses involved in providing the public records making every effort to match the charges with the actual cost of providing the records.

(c) It shall be the policy of all governmental bodies to provide suitable copies of all public records within a reasonable period of time after the date copies were requested. Every governmental body is hereby instructed to make reasonably efficient use of each page of public records so as not to cause excessive costs for the reproduction of public records.

(d) The charges for copies made in the district clerk's office and the county clerk's office shall be as otherwise provided by law.

(e) No charge shall be made for one copy of any public record requested from state agencies by members of the legislature in performance of their duties.

(f) The charges for copies made by the various municipal court clerks of the various cities and towns of this state shall be as otherwise provided by ordinance.

Section 10. Distribution of Confidential Information Prohibited. (a) Information deemed confidential under the terms of this Act shall not be distributed.

(b) A custodian of public records, or his agent, commits an offense if, with criminal negligence, he or his agent fails or refuses to give access to, or to permit or provide copying of, public records to any person upon requests as provided in this Act.

(c) It is an affirmative defense to prosecution under Subsection (b) of this section that the custodian of public records reasonably believed that the public records sought were not required to be made available to the public and that he:

(1) acted in reasonable reliance upon a court order or a written interpretation of this Act contained in an opinion of a court of record or of the attorney general issued under Section 7 of this Act;

(2) requested a decision from the attorney general in accordance with Section 7 of this Act, and that such decision is pending; or

(3) within three working days of the receipt of a decision by the attorney general that the information is public, filed a cause of action seeking relief from compliance with such decision of the attorney general, and that such cause is pending.

(d) It is an affirmative defense to prosecution under Subsection (b) of this section that the defendant is the agent of a custodian of public records and that the grant reasonably relied on the written instruction of the custodian of public records not to disclose the public records requested.

(e) Any person who violates Section 10(a) or 10(b) of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by confinement in the county jail not to exceed six (6) months or fined in an amount not to exceed $1,000, or by both such fine and confinement. A violation under this section constitutes official misconduct.

Section 11. Bond for Payment of Costs for Preparation of Public Records or Cash Payment. A bond for payment of costs for the preparation of such public records, or a prepayment in cash of the anticipated costs for the preparation of such records, may be required by the head of the department or agency as a condition precedent to the preparation of such record where the record is unduly costly and its reproduction would cause undue hardship to the department or agency if the costs were not paid.

Section 12. Penalties. Any person who wilfully destroys, multilates, removes without persmision as provided herein, or alters public records shall be guilty of a misdemeanor and upon conviction shall be fined not less that $25 nor more than $4,000, or confined in the county jail not less than three days nor more than three months, or both such fine and confinement.

Section 13. Procedures for Inspection of Public Records. Each governmental body may promulgate reasonable rules of procedure by which public records may be inspected efficiently, safely, and without delay.

Section 14. Interpretation of this Act. (a) This Act does not prohibit any governmental body from voluntarily making part or all of its records available to the public, unless expressly prohibited by law; provided that such records shall then be available to any person.

(b) This Act does not authorize the withholding of information or limit the availability of public records to the public, except as expressly so provided.

(c) This Act does not give authority to withhold information from individual members or committees of the Legislature of the State of Texas to use for legislative purposes.

(d) This Act shall be liberally construed in favor of the granting of any request for information.

(e) Nothing in this Act shall be construed to require the release of information contained in education records of any educational agency or institution except in conformity with the provisions of the Family Educational Rights and Privacy Act of 1974, as enacted by Section 513 of Public Law 93-380, codified as Title 20 U.S.C.A. Section 1232g, as amended.

Section 15. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

ARTICLE 6252-19b. LIABILITY OF POLITICAL SUBDIVISIONS FOR CERTAIN ACTS OR OMMISSIONS OF OFFICERS AND EMPLOYEES.

Section 1. Definition. In this Act "employee" includes an elected official and any other officer or employee, a former officer or employee or their estates, of a county, city, town, special purpose district, or any other political subdivision of this state.

Section 2. Persons and Conduct Covered: Limits on Liability. (a) A county, city, town, special purpose district, or any other political subdivision of the state may pay actual damages, court costs, and attorney's fees adjudged against its employee, if damages are based on an act or ommission by the employee in the course and scope of his or her employment for such political subdivision and if the damages arise out of a cause of action for negligence, except a wilful or wrongful act or omission or an act or omission constituting gross negligence or for official misconduct.

(b) This Act shall not be construed to waive, repeal, or modify any defense, immunity, or jurisdictional bar available to the political subdivision or its employees, nor shall this Act be construed to waive, repeal, or modify any provision of the Texas Tort Claims Act, as amended (Article 6252-19, Vernon's Texas Civil Statutes). The county or political subdivision is not liable under this Act to the extent that damages are recoverable under a contract of insurance or under a plan of self-insurance

authorized by statute. Liability of the political subdivision under this Act is limited to $100,000 to a single person and $300,000 for a single occurrence, in the case of personal injury or death, and to $10,000 for a single occurrence of injury of or damage to property.

Section 3. Defense of Actions. (a) The political subdivision may provide counsel to represent a defendant in a cause of action covered by this Act. The counsel provided may be the county attorney when the defendant is a county employee or if he is an employee of any other political subdivision an attorney regularly employed by such political subdivision unless there is a potential conflict of interest between the defendant and the county or other political subdivision, in which case the county or other political subdivision may hire private counsel to defend the suit.

(b) Counsel for the county or political subdivision may settle or compromise the portion of a lawsuit that may result in liability of the county or political subdivision under this Act.

(c) In a case defended under this Act, neither the defendant nor the political subdivision may be required to advance security for cost or give bond on appeal or on review by writ of error.

Section 5. Construction Not to Modify Insurance Policies; Rules and Rates. Section 2 of this Act shall not be construed to modify or change any policy of insurance providing coverage to an officer or employee of a political subdivision. The State Board of Insurance shall promulgate rules and set rates to implement Section 4 of this Act.

ARTICLE 6252-23. REPRESENTATION BEFORE STATE AGENCIES: REGISTRATION: VIOLATIONS.

Section 1. Definitions. In this Act, unless the context otherwise requires;

(a) "state agency" means any office, department, commission or board of the executive department of government;

(b) "person" means any individual including a member of the Legislature, legislative employee, state officer or state employee.

Section 2. Registration. Except as herein provided, every person appearing before a state agency or contacting in person any officer or employee thereof on behalf of any other person, firm, partnership, corporation or association in relation to any case, proceeding, application, or other matter before such agency, shall register in an appropriate record, which shall be maintained by the agency for such purpose, the following information:

(a) the name and address of the registrant;

Section 8. Writ of Mandamus. If a governmental body refuses to request an attorney general's decision as provided in this Act, or to supply public information or information which the attorney general has determined to be a public record, the person requesting the information or the attorney general may seek a writ of mandamus compelling the governmental body to make the information available for public inspection.

Section 9. Cost of Copies of Public Records. (a) The cost to any person requesting noncertified photographic reproductions of public records comprised of pages up to legal size shall not be excessive. The State Board of Control shall from time to time determine the actual cost of standard size reproductions and shall periodically publish these cost figures for use by agencies in determining charges to be made pursuant to this Act.

(b) Charges made for access to public records comprise in any form other than up to standard size pages or in computer record banks, microfilm records, or other similar record keeping systems, shall be set upon consultation between the custodian of the records and the State Board of Control, giving due consideration to the expenses involved in providing the public records making every effort to match the charges with the actual cost of providing the records.

(c) It shall be the policy of all governmental bodies to provide suitable copies of all public records within a reasonable period of time after the date copies were requested. Every governmental body is hereby instructed to make reasonably efficient use of each page of public records so as not to cause excessive costs for the reproduction of public records.

(d) The charges for copies made in the district clerk's office and the county clerk's office shall be as otherwise provided by law.

(e) No charge shall be made for one copy of any public record requested from state agencies by members of the legislature in performance of their duties.

(f) The charges for copies made by the various municipal court clerks of the various cities and towns of this state shall be as otherwise provided by ordinance.

Section 10. Distribution of Confidential Information Prohibited. (a) Information deemed confidential under the terms of this Act shall not be distributed.

(b) A custodian of public records, or his agent, commits an offense if, with criminal negligence, he or his agent fails or refuses to give access to, or to permit or provide copying of, public records to any person upon requests as provided in this Act.

(c) It is an affirmative defense to prosecution under Subsection (b) of this section that the custodian of public records reasonably believed that the public records sought were not required to be made available to the public and that he:

(1) acted in reasonable reliance upon a court order or a written interpretation of this Act contained in an opinion of a court of record or of the attorney general issued under Section 7 of this Act;

(2) requested a decision from the attorney general in accordance with Section 7 of this Act, and that such decision is pending; or

(3) within three working days of the receipt of a decision by the attorney general that the information is public, filed a cause of action seeking relief from compliance with such decision of the attorney general, and that such cause is pending.

(d) It is an affirmative defense to prosecution under Subsection (b) of this section that the defendant is the agent of a custodian of public records and that the grant reasonably relied on the written instruction of the custodian of public records not to disclose the public records requested.

(e) Any person who violates Section 10(a) or 10(b) of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by confinement in the county jail not to exceed six (6) months or fined in an amount not to exceed $1,000, or by both such fine and confinement. A violation under this section constitutes official misconduct.

Section 11. Bond for Payment of Costs for Preparation of Public Records or Cash Payment. A bond for payment of costs for the preparation of such public records, or a prepayment in cash of the anticipated costs for the preparation of such records, may be required by the head of the department or agency as a condition precedent to the preparation of such record where the record is unduly costly and its reproduction would cause undue hardship to the department or agency if the costs were not paid.

Section 12. Penalties. Any person who wilfully destroys, multilates, removes without persmision as provided herein, or alters public records shall be guilty of a misdemeanor and upon conviction shall be fined not less that $25 nor more than $4,000, or confined in the county jail not less than three days nor more than three months, or both such fine and confinement.

Section 13. Procedures for Inspection of Public Records. Each governmental body may promulgate reasonable rules of procedure by which public records may be inspected efficiently, safely, and without delay.

Section 14. Interpretation of this Act. (a) This Act does not prohibit any governmental body from voluntarily making part or all of its records available to the public, unless expressly prohibited by law; provided that such records shall then be available to any person.

(b) This Act does not authorize the withholding of information or limit the availability of public records to the public, except as expressly so provided.

(c) This Act does not give authority to withhold information from individual members or committees of the Legislature of the State of Texas to use for legislative purposes.

(d) This Act shall be liberally construed in favor of the granting of any request for information.

(e) Nothing in this Act shall be construed to require the release of information contained in education records of any educational agency or institution except in conformity with the provisions of the Family Educational Rights and Privacy Act of 1974, as enacted by Section 513 of Public Law 93-380, codified as Title 20 U.S.C.A. Section 1232g, as amended.

Section 15. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

ARTICLE 6252-19b. LIABILITY OF POLITICAL SUBDIVISIONS FOR CERTAIN ACTS OR OMMISSIONS OF OFFICERS AND EMPLOYEES.

Section 1. Definition. In this Act "employee" includes an elected official and any other officer or employee, a former officer or employee or their estates, of a county, city, town, special purpose district, or any other political subdivision of this state.

Section 2. Persons and Conduct Covered: Limits on Liability. (a) A county, city, town, special purpose district, or any other political subdivision of the state may pay actual damages, court costs, and attorney's fees adjudged against its employee, if damages are based on an act or ommission by the employee in the course and scope of his or her employment for such political subdivision and if the damages arise out of a cause of action for negligence, except a wilful or wrongful act or omission or an act or omission constituting gross negligence or for official misconduct.

(b) This Act shall not be construed to waive, repeal, or modify any defense, immunity, or jurisdictional bar available to the political subdivision or its employees, nor shall this Act be construed to waive, repeal, or modify any provision of the Texas Tort Claims Act, as amended (Article 6252-19, Vernon's Texas Civil Statutes). The county or political subdivision is not liable under this Act to the extent that damages are recoverable under a contract of insurance or under a plan of self-insurance

authorized by statute. Liability of the political subdivision under this Act is limited to $100,000 to a single person and $300,000 for a single occurrence, in the case of personal injury or death, and to $10,000 for a single occurrence of injury of or damage to property.

Section 3. Defense of Actions. (a) The political subdivision may provide counsel to represent a defendant in a cause of action covered by this Act. The counsel provided may be the county attorney when the defendant is a county employee or if he is an employee of any other political subdivision an attorney regularly employed by such political subdivision unless there is a potential conflict of interest between the defendant and the county or other political subdivision, in which case the county or other political subdivision may hire private counsel to defend the suit.

(b) Counsel for the county or political subdivision may settle or compromise the portion of a lawsuit that may result in liability of the county or political subdivision under this Act.

(c) In a case defended under this Act, neither the defendant nor the political subdivision may be required to advance security for cost or give bond on appeal or on review by writ of error.

Section 5. Construction Not to Modify Insurance Policies; Rules and Rates. Section 2 of this Act shall not be construed to modify or change any policy of insurance providing coverage to an officer or employee of a political subdivision. The State Board of Insurance shall promulgate rules and set rates to implement Section 4 of this Act.

ARTICLE 6252-23. REPRESENTATION BEFORE STATE AGENCIES: REGISTRATION: VIOLATIONS.

Section 1. Definitions. In this Act, unless the context otherwise requires;

(a) "state agency" means any office, department, commission or board of the executive department of government;

(b) "person" means any individual including a member of the Legislature, legislative employee, state officer or state employee.

Section 2. Registration. Except as herein provided, every person appearing before a state agency or contacting in person any officer or employee thereof on behalf of any other person, firm, partnership, corporation or association in relation to any case, proceeding, application, or other matter before such agency, shall register in an appropriate record, which shall be maintained by the agency for such purpose, the following information:

(a) the name and address of the registrant;

(b) the name and address of the person, firm partnership, corporation, or association on whose behalf the appearance or contact is made;

(c) a statement as to whether or not the registrant has received or expects to receive any money, thing of value or financial benefit in return for the services rendered in making the appearance or contact.

This Act shall not apply to officers or employees of a state agency when appearing before or contacting officers or employees of another state agency on official inter-agency matters.

Section 3. Reporting and Filing of Registrations. Each state agency shall file a report with the Secretary of State between the first and tenth of the month following the close of each calendar quarter. The report shall set forth the names of persons registering with the agency during the preceding quarter, together with the detailed information specified in Section 2 of this Act. Such reports, which shall be considered public records of this state and open to public inspection, shall be appropriately indexed and kept on file in the office of the Secretary of State for a period of four (4) years from the date of filing.

Section 3A. Persons Not Required to Register. No person shall be required to register if:

(a) the contact with a state agency or its officers or employees is solely for the purpose of obtaining information, and no attempt is made to influence the action of any officer or employee of such agency;

(b) the contact consists in participating in a public hearing, at which such person enters his appearance at such hearing;

(c) the contact is made in connection with any matter where pleadings or instruments disclosing such person's representation is on file with the agency;

(d) the contact is one for which such person receives no fee, payment, compensation or any thing of value.

Section 4. Penalty. Any person who fails to register as required by Section 2 of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding Five Hundred Dollars($500) or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

ARTICLE 6574b. PHOTOGRAPHIC DUPLICATION OF PUBLIC RECORDS: DISPOSITION OF ORIGINAL RECORDS.

(Note: Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in

conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Acts 1975, 64th Leg., p. 367, ch. 158, classified as Art. 6574c, relating to microfilming and retention of public records by incorporated cities, provided in section 4 that this article is repealed, to the extent of any conflict, including but not limited to Art. 6574c. Thus, while portions of this statute no longer pertain to certain governmental units, this law remains operable for other units of government.)

Section 1. Photographic Duplication When Necessary. The Commissioners Court of any county in Texas, or the governing body of any political subdivision of Texas, may, at its discretion, order, authorize and provide for the duplication of all public records by photostatic, photographic, miniature photographic, film microfilm or micro-photographic process which correctly and legibly copies and reproduces, or which forms a medium of copying or reproducing, such public records, when, in the judgment of a Commissioners Court, or of the governing body of any political subdivision of Texas, a necessity exists for the photographic duplication of said public records for the purpose of recording, preserving and protecting same, or for the purpose of reducing space required for filing, storing and safekeeping of same, or for any similar purpose.

Section 2. Quality of Materials. All materials used in the photographic duplication of public records, as herein authorized, and all processes of development, fixation and washing of said photographic duplicates, shall be of quality approved for permanent photographic records by the United States Bureau of Standards.

Section 3. Control and Direction; Approval. The duplication of all public records, if ordered, authorized and provided for, as hereinabove provided, shall be under the control and direction of the officer who is responsible for the safekeeping and preservation of such public records, and all duplication of such public records shall be checked, approved and certified by such officer as to being correct and legible copies of the original records in his office.

Section 4. Filing of Duplicates; Destruction of Original Records. Said photographic duplicates of all public records shall be placed in conveniently accessible files and provisions shall be made for preserving, safekeeping, using, examining, exhibiting, projecting and enlarging the same whenever requested during regular office hours. Whenever photographic duplicates of public records are so made, certified and placed, the original public records may be, by order of the Commissioners Court of the county, or of the governing body of any political subdivision of Texas, destroyed or

otherwise disposed of, provided, however, that no original record shall be destroyed or otherwise disposed of unless or until the time for filing legal proceedings based on any such record shall have elapsed, and, in no event, shall any original public record be destroyed or otherwise disposed of until said public record is at least five (5) years old; and provided further, that notice of such proposed destruction or disposition of original public records shall first be given to the State Librarian, and if such records are, in his opinion, needed for the Texas State Library, they shall be transferred thereto in the manner provided in Article 5439, Revised Civil Statutes, 1925.

Section 5. Destruction of Certain Records Not Authorized. Nothing in this Act shall authorize the destruction or disposition of any deed record, deed of trust record, mechanic's lien record or any minute book of any Court or any minute book of any political subdivision of Texas.

Section 6. Compensation to Officer Checking Correctness. The Commissioners Court of any county in Texas, or the governing body of any political subdivision of Texas, may pay a reasonable compensation to the officer whose duty it is to check, approve and certify to the correctness of the photographic duplication of the public records of his office when said duplication is completed or as same is being done; provided, however, that such compensation shall be reported as fees of office and accounted for as provided by law.

Section 7. Duplicates Deemed Original Records; Transcript. Said photographic duplicates of public records shall be deemed to be an original record for all purposes, including introduction in all Courts or administrative agencies. A transcript, exemplification, or certified copy thereof shall, for all purposes recited herein, be deemed to be a transcript, exemplification or certified copy of the original.

Section 8. Repeal of Conflicting Laws. All laws or parts of laws in conflict herewith are hereby repealed.

Section 9. Partial Invalidity. If any part, section, clause, phrase or word of this Act shall be held to be unconstitutional or invalid, it is declared to be the legislative intent that such invalidity shall not invalidate, impair or affect the remaining portions of this Act, and that the remaining portions of this Act be and the same are enacted regardless of the invalidity of any part of this Act.

ARTICLE 6574c. MICROFILMING AND RETENTION OF PUBLIC RECORDS BY INCORPORATED CITIES.

Section 1. Ordinance for Microfilm Process. Any incorporated city in

this state may adopt an ordinance providing for a microphotograph or microfilm process which accurately and permanently copies, reproduces, or originates public records on film, if the ordinance contains:

(a) a provision specifying the types of records for recording on microfilm;

(b) a provision requiring indices to microfilm records;

(c) a provision requiring microfilm to meet requirements of the United States of America Standards Institute for archival quality, density, resolution, and definition, except that microfilm intended only for short-term use, as determined by the governing body;

(d) a provision requiring a person or persons to check and certify that each microfilm record is true and correct duplication of the original public record; and

(e) a provision which guarantees the public free access to information in microphotographs or microfilms to which they are entitled under law.

Section 2. Microfilm Record as Original Record; Certified Copy. A microfilm record of an incorporated city is an original record and will be accepted by any court or administrative agency of this state, if the microfilm record is made in compliance with an ordinance authorized by this Act. When issued and certified by a record keeper of an incorporated city, a copy on paper or film of the microfilm record will be accepted as a certified copy of an original record by any court or administrative agency of this state.

Section 3. Destruction of Original Records; Notice; Transfer to State Library. Original public records which are microfilmed in compliance with an ordinance authorized by this Act may be destroyed as directed by the governing body with the advice and consent of the city attorney or attorney officially performing the duties of city attorney, unless otherwise required by federal law or state law other than this article. Any original public record, the subject matter of which is in litigation, may not be destroyed until such litigation is final. Original public records which are not microfilmed in compliance with an ordinance authorized by this Act or are determined worthless by the governing body of an incorporated city may be destroyed as directed by the governing body. Notice of proposed destruction or disposition of original public records shall first be given to the State Librarian or State Archivist, and if such records are, in his opinion, needed for the State Library, the records shall be transferred thereto.

Section 4. Repealer. Chapter 58, Acts of the 50th Legislature,

Regular Session, 1947, as amended (Article 6574b, Vernon's Texas Civil Statutes), is repealed, to the extent of any conflict, including but not limited to this Act.

Section 5. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared severable.

ARTICLE 6687b. DRIVER'S LICENSES.

Section 21. Records to be Kept by the Department of Public Safety.

(c)...Records which are not required to be maintained may be destroyed with the approval of the State Auditor and the State Librarian.

(Refer to statute for other portions of this law)

SECTION 4.05. (EDUCATION CODE) IMPROPER PAYMENT OF SALARIES.

Any employee of the state or of any district, county, city, town, or school, who may be responsible for the payment of the salary of any county judge acting as ex officio county superintendent of public schools, or of any county, district, or town superintendent or principal, or other school officer, or any teacher, librarian, assessor, county treasurer, treasurer of county school depository, or treasurer of school district depository, after notice by the commissioner of education that the person has failed to comply with the provisions of Section 21.254 of this code shall be guilty of a misdemeanor and upon conviction shall be fined not less than $50 nor more than $500.

SECTION 11.30. (EDUCATION CODE) AUTHORITY TO ENTER INTO CONTRACTS FOR GRANTS.

For the maintenance and improvement of state educational programs and activities in the public schools, the State Board of Education may enter into contracts for grants from both public and private organizations and may expend such funds under the terms and for the specific purposes contracted.

SECTION 11.32. (EDUCATION CODE) REGIONAL EDUCATION SERVICE CENTERS.

(a) The State Board of Education shall provide, by rules and regulations, for the establishment and operation of Regional Education Service Centers to provide educational services to the school districts and to coordinate educational planning in the region.

(b) Regional centers shall be located throughout the state so that each school district has the opportunity to be served and to participate in an approved center, on a voluntary basis. No center shall be approved unless it serves an area having 50,000 or more eligible scholastics in average daily attendance for the next preceding school year, except that the State Board of Education may make an exception for sparsely populated areas.

(c) Each center shall be governed by a seven-member board. The State Board of Education shall adopt uniform rules and regulations to provide for the local selection, appointment, and continuity of membership for regional boards of directors. Vacancies shall be filled by appointment by the remaining members of the regional board for the unexpired term. All members shall serve without compensation.

(d) The Regional Board of Directors is authorized to employ an executive director for its respective center and such other personnel, professional and clerical, as it deems necessary to carry out the functions of the center, and to do and perform all things which it deems proper for the successful operation thereof, and to pay for all operating expenses by warrants drawn on proper funds available for such purpose.

(e) The Regional Board of Directors of each Regional Education Service Center, under rules of the State Board of Education, may enter into contracts for grants from both public and private organizations and to expend such funds for the specific purposes in accordance with the terms of the contract with the contracting agency.

(f) (Refer to statute)

(g) Each Regional Education Service Center, within each five-year period shall:

(1) perform a self-study of the effectiveness of its services to school districts;

(2) invite a panel of distinguished personnel from other service centers, public school administrators, and other persons deemed appropriate by the service center board to evaluate the practices and services provided by the service center; and

(3) be subject to a management and service audit conducted by the Central Education Agency.

SECTION 11.33. (EDUCATION CODE) GENERAL POWERS AND DUTIES OF REGIONAL EDUCATION SERVICE CENTERS.

(a) (1) Regional Education Media Centers shall be established and operated by Regional Education Service Centers under rules of the State Board of Education in order to furnish participating school districts with education media materials, equipment and maintenance, and educational services.

(2) Centers approved by the State Board of Education as meeting their requirements shall develop, provide, and make available to participating school districts education media services.

(3) A Regional Education Media Center is an area center, composed of one or more Texas School districts, that is approved to house, circulate, and service educational media for the public schools of the participating districts.

(4) Any school district which is a participant member of a Regional Education Media Center may elect to withdraw its membership in the center for a succeeding scholastic year, electing not to support nor to

receive its services for any succeeding year. Title to and all educational media and property purchased by the center shall remain with and in the center.

(5) The cost incident to setting up the centers, their operation, and the purchase of education media supplies and equipment shall be borne by the state and each participating district to the extent and in the manner provided in this subsection.

(6) The state shall allot and pay to each approved center annually an amount determined on the basis of not to exceed $1 per scholastic in average daily attendance for the next preceding school year in the district or districts that are participants in an approved center. The funds or amount provided by the state shall be used only to purchase, maintain, and service educational media or equipment for the center which have prior approval of its Regional Board of Directors and the State Board of Education through its budgetary system.

(7) School districts as participant members in the center shall provide and pay to the proper center a proportionate amount determined on the basis of the average daily student attendance for the next preceding school year matching the amount provided by the state. The matching funds provided by the participant districts, including any donated or other local funds, may be used to pay for costs of administration of or servicing by the center and to purchase supplemental educational media. A center shall not enter into obligations which shall exceed funds available or reasonably anticipated as receivable for the current school year.

(8) (Refer to statute)

(9) (Refer to statute)

(b) (1) A program of financial assistance for computer services to school districts of the state through Regional Education Service Centers shall be developed by the State Board of Education to encourage a planned statewide network or system of computer services designed to meet public school educational and informational needs. Toward achievement of maximum efficiency and to insure a practicable uniformity in services, the State Board of Education, by rules and regulations, shall adopt eligibility requirements for data processing computer services to receive the state financial assistance authorized herein.

(2) Only computer services that are provided by or through a Regional Education Service Center to make available computer services required to meet the needs of the school districts or one or more Education Service Center regions shall be eligible for financial assistance hereunder.

(3) (Refer to statute)

(4) (Refer to statute)

(c) (1) The State Board of Education shall promulgate rules, in compliance with the approved statewide design for special education, to provide for a plan for the coordination of services to handicapped children within each geographical area served by a Regional Education Service Center. Regional Education Service Centers, under the procedures set forth in this plan, may provide supplementary or technical assistance to school districts for:

(A) identification of existing public or private educational and related services for handicapped children in each region;

(B) identification and referral of handicapped children who cannot be appropriately served by the school district in which they reside to other appropriate programs;

(C) assistance to school districts individually and cooperatively to develop programs to identify and provide appropriate services for handicapped children;

(D) expansion and coordination of services provided by Regional Education Service Centers which are related to programs for handicapped children; and

(E) provision for special services such as special seats, books, instructional media, and other supplemental supplies and services required for quality instruction.

(2) The responsibility for carrying out the provisions of this subsection rests with the commissioner of education, who may allocate funds to regional service centers for the provision of support services for the functions described in this subsection.

(d) Regional Education Service Centers may provide other services to school districts under rules and regulations adopted by the State Board of Education.

SECTION 11.36. (EDUCATION CODE) LIBRARY STANDARDS.

(a) The State Board of Education shall establish regulations for accreditation of schools which establish standards for library services and personnel. The standards shall include:

(1) minimum standards for employment of librarians and other library personnel;

(2) acquisition and maintenance of library materials; and

(3) the operation and development of learning resources programs for each school district in this state.

(b) The standards shall include rules for the expenditure of state funds. The local districts shall not be required to expend local funds

for the implementation of this section.

SECTION 21.252 (EDUCATIONAL CODE) REPORTS TO COMMISSIONER.

The commissioner of education shall require of judges acting as ex-officio county superintendents of public schools, of county, city and town superintendents, of county and city treasurers and depositories, and of treasurers and depositories of school boards, and of other school officers and teachers, such school reports relating to the school fund and to other school affairs as he may deem proper for collecting information and advancing the interests of the public schools, and shall furnish the county, city, and town superintendents, treasurers and depositories, and other school officers and teachers for the use of such teachers and officers the necessary blanks and forms for making such reports and carrying out such instructions as may be required of them.

SECTION 21.253 (EDUCATION CODE) REGISTRATION CARD.

All teachers, librarians, school presidents, superintendents, principals, or other school officers employed by all schools supported wholly or partly by the state, shall fill out and send to the State Department of Education, before the expiration of the first school month of each annual session, a registration card, supplied by the State Department of Education, which card shall furnish blanks for useful statistical information; and the teachers, librarians, school presidents, superintendents, and principals shall not be paid the salary for the first month's services, except on the presentation of a receipt certifying that the registration card has been received by the State Department of Education.

SECTION 21.254 (EDUCATION CODE) WITHHOLDING OF SALARY.

The monthly salary of any county judge acting as ex-officio county superintendent of public schools, or any county, district, city or town superintendent, or principal or any teacher or librarian in any school supported wholly or partly by the state, or any assessor, county treasurer, treasurer in county school depository or treasurer of any school district depository, shall be withheld by the officials or authorities paying the said salary, on notification by the commissioner of education that the county judge, acting as ex-officio county superintendent of public schools, or the county, district, city, or town superintendent or principal, teacher, librarian, assessor, county treasurer, treasurer of county school depository or treasurer of school district depository has refused or failed to make the reports required of him; provided, that this notification shall not be

sent by the commissioner of education until at least two written requests have been made for the desired information and until 30 days have elapsed from the time of the first request without the receipt of the information required; in such case the aforesaid monthly salary shall be withheld until a notice is received from the commissioner of education, certifying that the information requested has been furnished by the delinquent person.

SECTION 21.351 (EDUCATION CODE). CONTRACT WITH COUNTY.

In compliance with the terms of this subchapter, any school district having boundaries embracing the entire area of a county having a valuation in excess of $30 million may enter into contracts with the county and with its board of library trustees to provide joint library facilities.

SECTION 21.352 (EDUCATION CODE). PROCEDURE TO EXECUTE CONTRACT

(a) The procedure by which such contracts may be authorized shall be as prescribed by this section.

(b) The commissioners court of the county shall appoint a board of library trustees consisting of five members who are residents of the county.

(c) The board of library trustees shall organize by appointing a chairman, a secretary, and a treasurer.

(d) The board of library trustees shall call a public meeting for the purpose of presenting to the trustees of the school district and the members of the commissioners court a petition setting forth the need for additional library facilities and the agreement of the board of library trustees to assume the financial obligation of providing and maintaining an adequate public library building upon or adjacent to the school campus or grounds, the building to be used as a county free library and as a school library for the benefit of both the school students and the general public.

(e) The school trustees and the members of the commissioners court, at a joint meeting called for that purpose, shall consider the petition and agreement. If the plan of financing is found to be practicable and feasible and is approved by a majority both of the school trustees and of the commissioners court, a contract in compliance with Section 21.353 of this code may be executed.

SECTION 21.353 (EDUCATION CODE). CONTRACT PROVISIONS

(a) Contracts authorized by this Article shall contain the provisions described in this Section in consideration for the agreement of the board of library trustees.

(b) The commissioners court must agree on its part to deliver over to

the board of library trustees in trust and keeping the county-owned free library or libraries.

(c) The board of trustees of the school district must agree on its part to convey, with or without added consideration (and is hereby authorzed to convey without the necessity of securing the consent of the Texas Education Agency or any officer thereof), the fee simple title to any individual lot or tract of land of any area not greater than two city lots, if any such area is owned by the school district on or adjacent to its campus and is not required under then existing school plans. The conveyance may be conditioned only by reserving to the school district the right to repurchase the tract, in the event of its abandonment for library purposes, at a price not to exceed any outstanding indebtedness against any building constructed thereon by the board of library trustees.

SECTION 21.354 (EDUCATION CODE). CONSTRUCTION OF LIBRARY

(a) The public library building, authorized by the above-described contract, shall be constructed according to the provisions of this Section.

(b) After the execution of the joint contracts and the receipt of conveyance of the tract of land, the board of library trustees, by a majority vote at a meeting called for that purpose, may employ an architect to prepare plans for the construction of a combined library building and assembly hall.

(c) After the approval of the plans by both the board of trustees of the school district and the commissioners court, the board of library trustees may enter into all necessary contracts for the construction of the building and the equipment thereof. The board of library trustees is authorized to mortgage or encumber the building to secure the financing thereof, but the indebtedness so created must be repaid out of revenue funds produced from the rental of the assembly hall or from private contributions and shall never become a debt against the county of the school district. No taxes shall be levied therefor.

SECTION 21.355 (EDUCATION CODE). MANAGEMENT OF LIBRARY

(a) The management and control of the public library building shall be under the supervision and control of the board of library trustees so long as a public free library is maintained therein, subject to the provisions of law as to county free libraries and to the provisions of this section.

(b) A separate room or rooms shall be provided for the county free library.

(c) The assembly hall and other parts of the building shall be set

aside for the use of educational and civic organizations of the county. Educational and civic organizations shall have the right of use of the assembly hall, subject to the rules made by the board of library trustees and the necessary charges for use and maintenance. County civic organizations may use the assembly hall as a public assembly hall in keeping with the rules adopted by the board of library trustees.

SECTION 51.903 (EDUCATION CODE). ARCHIVES: CERTIFIED COPIES.

(a) The commissioners court of any county or any other custodian of public records may lend to the library of any state-supported institution of higher education, for any period and on any conditions it may determine, any parts of its archives or records that have become mainly of historical value. The librarian shall give a receipt for any archives or records received. The librarian may make copies for historical study.

(b) The librarian and the archivist of any state-supported institution of higher education are authorized to make certified copies of public records in the custody of the institution. These certified copies are valid in law and have the same force and effect for all purposes as if certified by the county clerk or other custodian as otherwise provided by law. In making a certified copy, the librarian or archivist shall certify that the foregoing is true and correct copy of the document, and after signing the certificate shall swear to it before any officer authorized to take oaths under the laws of this state.

(c) Nothing in this section affects the authority of the Texas State Librarian concerning public records as currently or later granted by law.

SECTION 54.006 (EDUCATION CODE) REFUND OF TUITION AND FEES.

Subsections (a) to (e). (Refer to statute)

(f) A general academic teaching institution or medical and dental unit shall terminate student services and privileges, such as health services, library privileges, facilities usage, and athletic and cultural entertainment tickets, when a student withdraws from the institution.

SECTION 54.502 (EDUCATION CODE) GENERAL PROPERTY DEPOSITS.

An institution of higher education may collect a reasonable deposit not to exceed $10 from each student to insure the institition against losses, damages, and breakage in libraries and laboratories. The deposit shall be returned on the withdrawal or graduation of a student, less any loss, damage, or breakage caused by the student. The medical and dental units of the University of Texas System shall collect a breakage or loss deposit no greater than $30.

SECTION 55.11 (EDUCATION CODE) GENERAL AUTHORITY.

Each board is authorized to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof.

SECTION 55.12 (EDUCATION CODE) CONTRACTS FOR JOINT CONSTRUCTION.

Each board may enter into contracts with municipalities or school districts for the joint construction of museums, libraries, or other buildings.

SECTION 107.69 (EDUCATION CODE) STATE HISTORICAL COLLECTION.

(a) The Board of Regents of Texas Woman's University may establish an historical collection of items illustrating the history of women in Texas. The historical collection is to be housed in a building belonging to the university and is to be known as "The History of Texas Women." When established, the historical collection may be designated a state historical collection and shall be for the use and enjoyment of all citizens of Texas.

(b) The board may accept donations, gifts, and collections of historical value for the use of the historical collection and shall adopt rules for the receipt, care, custody, and control of items in the collection.

Election Code

ARTICLE 2.04a (ELECTION CODE) COUNTY ELECTION PRECINCT MAPS FURNISHED TO SECRETARY OF STATE.

Subdivision 1. (Refer to statute)

Subdivision 2. (Refer to statute)

Subdivision 3. The Secretary of State shall file and preserve as a public record each map received under the provisions of this section for a period of 10 years from the date on which it is filed, after which time it may be transferred to the records management division of the State Library for further retention for a period of 20 years. At the expiration of 30 years from the date of filing by the Secretary of State, the State Librarian may dispose of the maps in accordance with the procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.

ARTICLE 3.43a (ELECTION CODE) PRECINCT RETURNS FORWARDED TO SECRETARY OF STATE.

Subdivision 1. (Refer to statute)

Subdivision 2. The Secretary of State shall preserve all information received under the provisions of Subdivision 1 of this section as public records of his office, either in the form in which the information is reported to him or in the form of a tabulated statement prepared by him from the reports received from the county clerk, for a period of 10 years, after which time he may transfer the records to the records management division of the State Library for further retention for a period of 20 years. At the expiration of 30 years from the date of the election, the State Librarian may dispose of the records in accordance with the procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.

When the Secretary of State prepares a tabulated statement from reports furnished to him by the county clerk, he shall preserve the reports for a period of two years, after which time he may transfer them to the records management division of the State Library, and the State Librarian may dispose of them in accordance with the procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.

ARTICLE 13.24a (ELECTION CODE) PRECINCT RETURNS FORWARDED TO SECRETARY OF STATE.

Subdivision 1. (Refer to statute)

Subdivision 2. The Secretary of State shall preserve all information received under the provisions of Subdivision 1 of this section as public

records of his office, either in the form in which the information is reported to him or in the form of a tabulated statement prepared by him from the reports received from the county chairman, for a period of 10 years, after which time he may transfer the records to the records management division of the State Library for further retention for a period of 20 years. At the expiration of 30 years from the date of the election, the State Librarian may dispose of the records in accordance with the procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.

Where the Secretary of State prepares a tabulated statement from reports furnished to him by the county chairman, he shall preserve the reports for a period of five years, after which time he may transfer them to the records management division of the State Library, and the State Librarian may dispose of them in accordance with the procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.

Human Resources Code

SECTION 91.081 (HUMAN RESOURCES CODE) PURPOSE. CENTRAL MEDIA DEPOSITORY.

(a) The purpose of this subchapter is to establish a comprehensive central state depository for braille, large print, slow speed records and machines, tape recordings and tape players, and related forms of media that will enable the Texas State Library, the Central Education Agency, the State Commission for the Blind, volunteer organizations involved in the production of braille or recorded materials for the blind, the Library of Congress, and related types of organizations to work together more closely and effectively.

(b) It is the intent of this subchapter to allow various agencies and organizations interested in or responsible for such services to work together cooperatively in one facility without requiring one central management.

SECTION 91.082 (HUMAN RESOURCES CODE) ESTABLISHMENT OF CENTRAL MEDIA DEPOSITORY.

(a) The Texas State Library and Archives Commission shall generally supervise the establishment and operation of a central media depository in Austin to house materials and devices required by blind and visually handicapped individuals or by other individuals who are unable to use ordinary printed materials.

(b) With the approval of the library and archives commission, the agencies and organizations maintaining and operating the central media depository shall develop and periodically evaluate and modify specific arrangements for administrative support, sharing of staff and equipment, and related matters involved in the operation of the program.

SECTION 91.083 (HUMAN RESOURCES CODE) ANCILLARY SERVICES.

The library and archives commission shall allow the central media depository to be used for the repair of special media and equipment required by individuals who are unable to use ordinary print and for research and demonstration, training, and the production of materials in special media by volunteer organizations.

SECTION 91.084 (HUMAN RESOURCES CODE) FUNDING.

The cost of establishing and operating the central media depository shall be paid with:

(1) funds appropriated by the legislature for that purpose;

(2) gifts, grants, bequests, and donations received by cooperating agencies for the establishment and support of the depository;

(3) reasonable fees customarily charged for services by the agencies and organizations using or occupying the facility; and

(4) funds budgeted by the cooperating agencies and organizations for that purpose pursuant to interagency contracts and agreements.

TITLE 8. RIGHTS AND RESPONSIBILITIES OF THE HANDICAPPED.

SECTION 121.001 (HUMAN RESOURCES CODE) STATE POLICY.

The policy of the state is to encourage and enable physically handicapped persons to participate fully in the social and economic life of the state, to achieve maximum personal independence, to become gainfully employed, and to otherwise fully enjoy and use all public facilities available within the state.

SECTION 121.002 (HUMAN RESOURCES CODE) DEFINITIONS.

In this chapter:

(1) "White cane" (Refer to statute)

(2) "Dog guide" (Refer to statute)

(3) "Public facilities" includes streets, highways, sidewalks, walkways, all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation, hotels, motels, or other places of lodging, public buildings maintained by any unit or subdivision of government, buildings to which the general public is invited, college dormitories and other educational facilities, restaurants or other places where food is offered for sale to the public, and all other places of public accommondation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

(4) "Handicapped person" means a person who has a mental or physical handicap, including mental retardation, hardness of hearing, deafness, speech impairment, visual handicap, being crippled, or any other health impairment which requires special ambulatory devices or services.

(5) "Housing accommodations" (Refer to statute)

SECTION 121.003 (HUMAN RESOURCES CODE) DISCRIMINATION PROHIBITED.

(a) (Refer to statute)

(b) (Refer to statute)

(c) No person who is physically handicapped may be denied admittance to any public facility in the state because of the handicapped person's use of a white cane, dog guide, wheelchair, crutches, or other device of assistance

in mobility, or because the person is handicapped.

(d) The discrimination prohibited by this section includes discrimination through an open and obvious refusal to allow a handicapped person to use or be admitted to any public facility, as well as discrimination based on a ruse or subtefuge calculated to prevent or discourage a handicapped person from using or being admitted to a public facility. Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by handicapped persons who, except for their handicaps or use of dog guides or other devices for assistance in travel, would fall within the designated calss. Lists containing the names of persons who desire to use particular public facilities may not be composed or manipulated so as to deny a handicapped person a fair and equal opportunity to use or be admitted to any public facility.

(e) This section does not limit the right of the owner or manager of a public facility to refuse to admit, to refuse to serve, or to evict from a public facility a person who is so unkempt as to be clearly offensive to others using the public facility, who is obviously intoxicated, or who conducts himself in a belligerent, boisterous, profane, or other offensive manner which unreasonably interfers with the right of other persons to use and enjoy the public facility.

(f) An employer who conducts business in this state may not discriminate in his or her employment practices against a handicapped person on the basis of the handicap if the person's ability to perform the task required by a job is not impaired by the handicap and the person is otherwise qualified for the job.

(g) It is the policy of the state that the blind, the visually handicapped and the otherwise physically disabled be employed by the state, by political subdivisions of the state, in the public schools and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

(h) (Refer to statute)

(i) (Refer to statute)

(j) (Refer to statute)

SECTION 121.004 (HUMAN RESOURCES CODE) PENALTIES FOR AND DAMAGES RESULTING FROM DISCRIMINATION.

(a) A person, firm, association, corporation, or other organization, or the agent of a person, firm, association, corporation, or other organization who violates Section 121.003 of this chapter is guilty of a misdemeanor and

on conviction shall be punished by a fine of not less than $100 nor more than $300.

(b) In addition to the penalty provided in Subsection (a) of this section, a person, firm, association, corporation, or other organization, or the agent of a person, firm, association, corporation, or other organization who violates the provisions of Section 121.003 of this chapter is deemed to have deprived a handicapped person of his or her civil liberties. The handicapped person deprived of his or her civil liberties may maintain a cause of action for damages in a court of competent jurisdiction, and there is a conclusive presumption of damages in the amount of at least $100 to the handicapped person.

SECTION 121.005 (HUMAN RESOURCES CODE) RESPONSIBILITIES OF HANDICAPPED PERSONS.

(Refer to statute)

SECTION 121.006 (HUMAN RESOURCES CODE) PENALTIES FOR IMPROPER USE OF DOG GUIDES.

(Refer to statute)

SECTION 121.007 (HUMAN RESOURCES CODE) BLIND AND INCAPACITATED PEDESTRIANS.

(Refer to statute)

SECTION 121.008 (HUMAN RESOURCES CODE) DISSEMINATION OF INFORMATION RELATING TO THE HANDICAPPED.

(a) To ensure maximum public awareness of the policies set forth in this chapter, the governor may issue a proclamation each year taking suitable public notice of October 15 as White Cane Safety Day. The proclamation must contain appropriate comment about the significance of various devices used by handicapped persons to assist them in traveling, and must call to the attention of the public the provisions of this chapter and of other laws relating to the safety and well-being of this state's handicapped citizens.

(b) State agencies regularly mailing forms or information to significant numbers of public facilities operating within the state shall cooperate with state agencies responsible for the rehabilitation of the handicapped by sending information about this chapter to those to whom regular mailings are sent. The information, which must be sent only on the request of state agencies responsible for the rehabilitation of the handicapped and not more than once each year, may be included in regular mailings or sent separately. If sent separately, the cost of mailing is borne by the state rehabilitation

agency or agencies requesting the mailing and, regardless of whether sent separately or as part of a regular mailing, the cost of preparing information about this chapter is borne by the state rehabilitation agency or agencies requesting distribution of this information.

SECTION 121.009 (HUMAN RESOURCES CODE) CONSTRUCTION OF CHAPTER.

The provisions of this chapter must be construed in a manner compatible with other state laws relating to the handicapped.

Insurance Code

ARTICLE 16.01 FARM MUTUAL INSURANCE: DEFINITIONS.

(a) (Refer to statute)

(b) Farm mutual insurance companies may insure rural and urban dwellings and attendant outhouses and yard buildings, and all their contents for home and personal use, including family...libraries...

(c) (Refer to statute)

ARTICLE 17.01 COUNTY MUTUAL INSURANCE COMPANIES: DEFINITIONS.

County Mutual Insurance Companies are companies organized for the purpose of insurance on the mutual or cooperative plan against loss or damage by fire, lightning, gas explosion, theft, windstorm and hail, and for all or either of such purposes.

Unless they are restricted by their charters, they may write insurance against said hazards:

(a) On both rural and urban dwellings and attendant outhouses and yard buildings and all their contents for home and personal use--including... libraries;...

SECTION 28.03 (PENAL CODE) CRIMINAL MISCHIEF.

(a) A person commits an offense if, without the effective consent of the owner:

(1) he intentionally or knowingly damages or destroys the tangible property of the owner; or

(2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person.

(b) An offense under this section is:

(1) a Class C misdemeanor if:

(A) the amount of pecuniary loss is less than $5; or

(B) except as provided in Subdivision (4) (B) of this subsection, it causes substantial inconvenience to others;

(2) a Class B misdemeanor if the amount of pecuniary loss is $5 or more but less than $20;

(3) a Class A misdemeanor if the amount of pecuniary loss is $20 or more but less that $200;

(4) a felony of the third degree if:

(A) the amount of pecuniary loss is $200 or more but less than $10,000;

(B) regardless of the amount of pecuniary loss, the actor causes impairment or interruption of public communications, public transportation, public water, gas, or power supply, or other public service.

SECTION 28.04 (PENAL CODE) RECKLESS DAMAGE OR DESTRUCTION.

(a) A person commits an offense if, without the effective consent of the owner, he recklessly damages or destroys property of the owner.

(b) An offense under this section is a Class C misdemeanor.

SECTION 31.04 (PENAL CODE) THEFT OF SERVICE.

(a) A person commits theft of service if, with intent to avoid payment for service that he knows is provided only for compensation:

(1) he intentionally or knowingly secures performance of the service by deception, threat, or false token;

(2) having control over the disposition of services of another to which he is not entitled, he intentionally or knowingly diverts the other's services to his own benefit or to the benefit of another not entitled to them; or

(3) having control of personal property under a written rental agreement, he holds the property beyond the expiration of the rental period

without the effective consent of the owner of the property, thereby depriving the owner of the property of its use in further rentals.

(b) For purposes of this section, intent to avoid payment is presumed if

(1) the actor absconded without paying for the service in circumstances where payment is ordinarily made immediately upon rendering of the service, as in hotels, restaurants, and comparable establishments; or

(2) the actor failed to return the property held under a rental agreement within 10 days after receiving notice demanding return.

(c) For purposes of Subsection (b)(2) of this section, notice shall be given in writing, sent by registered or certified mail with return receipt requested or by telegram with report of delivery requested, and addressed to the actor at his address shown on the rental agreement.

(d) If written notice is given in accordance with Subsection (c) of this section, it is presumed that the notice was received no later than five days after it was sent.

(e) An offense under this section is:

(1) a Class C misdemeanor if the value of the service stolen is less than $5;

(2) a Class B misdemeanor if the value of the service stolen is $5 or more but less than $20;

(3) a Class A misdemeanor if the value of the service stolen is $20 or more but less than $200;

(4) a felony of the third degree if the value of the service stolen is $200 or more but less than $10,000;

(5) a felony of the second degree if the value of the service stolen is $10,000 or more.

SECTION 43.21 (PENAL CODE) OBSCENITY DEFINITIONS.

(a) In this subchapter:

(1) "Obscene" means material or a performance that:

(A) the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;

(B) depicts or describes:

(i) patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or

(ii) patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device

designed and marketed as useful primarily for stimulation of the human genital organs; and

(C) taken as a whole, lacks serious literary, artistic, political, and scientific value.

(2) "Material" means anything tangible that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound, or in any other manner, but does not include an actual three dimensional obscene device.

(3) "Performance" means a play, motion picture, dance, or other exhibition performed before an audience.

(4) "Patently offensive" means so offensive on its face as to affront current community standards of decency.

(5) "Promote" means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.

(6) "Wholesale promote" means to manufacture, issue, sell, provide, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purpose of resale.

(7) "Obscene device" means a device including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human gential organs.

(b) If any of the depictions or descriptions of sexual conduct described in this section are declared by a court of competent jurisdiction to be unlawfully included herein, this declaration shall not invalidate this section as to other patently offensive sexual conduct included herein.

SECTION 43.22 (PENAL CODE) OBSCENE DISPLAY OR DISTRIBUTION.

(a) A person commits an offense if he intentionally or knowingly displays or distributes an obscene photograph, drawing, or similar visual representation or other obscene material and is reckless about whether a person is present who will be offended or alarmed by the display or distribution.

(b) An offense under this section is a Class C misdemeanor.

SECTION 43.23 (PENAL CODE) OBSCENITY.

(a) A person commits an offense if, knowing its content and character, he wholesale promotes or possesses with intent to wholesale promote any obscene material or obscene device.

(b) An offense under Subsection (a) of this section is a felony of the third degree.

(c) A person commits an offense if, knowing its content and character, he:

(1) promotes or possesses with intent to promote any obscene material or obscene device; or

(2) produces, presents, or directs an obscene performance or participates in a portion thereof that is obscene or that contributes to its obscenity.

(d) An offense under Subsection (c) of this section is a Class A misdemeanor.

(e) A person who promotes or wholesale promotes obscene material or an obscene device or possesses the same with intent to promote or wholesale promote it in the course of his business is presumed to do so with knowledge of its content and character.

(f) A person who possesses six or more obscene devices or identical or similar obscene articles is presumed to possess them with intent to promote the same.

(g) This section does not apply to a person who possesses or distributes obscene material or obscene devices or participates in conduct otherwise prescribed by this section when the possession, participation, or conduct occurs in the course of law enforcement activities.

SECTION 43.24 (PENAL CODE) SALE, DISTRIBUTION, OR DISPLAY OF HARMFUL MATERIAL TO MINOR.

(a) For purposes of this section:

(1) "Minor" means an individual younger than 17 years.

(2) "Harmful material" means material whose dominant theme taken as a whole:

(A) appeals to the prurient interest of a minor, in sex, nudity, or excretion;

(B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and

(C) is utterly without redeeming social value for minors.

(b) A person commits an offense if, knowing that the material is harmful:

(1) and knowing the person is a minor, he sells, distributes, exhibits, or possesses for sale, distribution, or exhibition to a minor harmful material;

(2) he displays harmful material and is reckless about whether a minor is present who will be offended or alarmed by the display; or

(3) he hires, employs, or uses a minor to do or accomplish or assist in doing or accomplishing any of the acts prohibited in Subsection (b)(1) or (b)(2) of this section.

(c) It is a defense to prosecution under this section that:

(1) the sale, distribution, or exhibition was by a person having scientific, educational, governmental, or other similar justification; or

(2) the sale, distribution, or exhibition was to a minor who was accompanied by a consenting parent, guardian, or spouse.

(d) An offense under this section is a Class A misdemeanor unless it is committed under Subsection (b)(3) of this section in which event it is a felony of the third degree.

SECTION 43.25 (PENAL CODE) SEXUAL PERFORMANCE BY A CHILD.

(a) In this section:

(1) "Sexual performance" means any performance or part thereof that includes sexual conduct by a child younger than 17 years of age.

(2) "Obscene sexual performance" means any performance that includes sexual conduct by a child younger than 17 years of age of any material that is obscene, as that term is defined by Section 43.21 of this code.

(3) "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals.

(4) "Performance" means any play, motion picture, photograph, dance, or other visual representation that is exhibited before an audience.

(5) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do any of the above.

(6) "Simulated" means the explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which the persons engaging in the conduct exhibit any uncovered portion of the breasts, genitals, or buttocks.

(7) "Deviate sexual intercourse" has the meaning defined by Section 43.01 of this code.

(8) "Sado-masochistic abuse" has the meaning defined by Section 43.24 of this code.

(b) A person commits an offense if, knowing the character and content thereof, he employs, authorizes, or induces a child younger than 17 years of age to engage in a sexual performance. A parent or legal guardian or

custodian of a child younger than 17 years of age commits an offense if he consents to the participation by the child in a sexual performance.

(c) An offense under Subsection (b) of this section is a felony of the second degree.

(d) A person commits an offense if, knowing the character and content of the material, he produces, directs, or promotes an obscene performance that includes sexual conduct by a child younger than 17 years of age.

(e) A person commits an offense if, knowing the character and content of the material, he produces, directs, or promotes a performance that includes sexual conduct by a child younger than 17 years of age.

(f) An offense under Subsection (d) or (e) of this section is a felony of the third degree.

(g) It is an affirmative defense to a prosecution under this section that the defendant, in good faith, reasonably believed that the person who engaged in the sexual conduct was 17 years of age or older.

(h) When it becomes necessary for the purposes of this section to determine whether a child who participated in sexual conduct was younger than 17 years of age, the court or jury may make this determination by any of the following methods:

(1) personal inspection of the child;

(2) inspection of the photograph or motion picture that shows the child engaging in the sexual performance;

(3) oral testimony by a witness to the sexual performance as to the age of the child based on the child's appearance at the time;

(4) expert medical testimony based on the appearance of the child engaging in the sexual performance; or

(5) any other method authorized by law or by the rules of evidence at common law.

SECTION 48.01 (PENAL CODE) SMOKING TOBACCO.

(a) A person commits an offense if he is in possession of a burning tobacco product or smokes tobacco in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus...plane, or train which is a public place.

(b) It is a defense to prosecution under this section that the conveyance or public place in which the offense takes place does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such conveyance and/or public place and that an offense is punishable by a fine not to exceed $200.

(c) All conveyances and public places set out in Subsection (a) of Section 48.01 shall be equipped with facilities for extinguishment of smoking materials and it shall be a defense to prosecution under this section if the conveyance or public place within which the offense takes place is not so equipped.

(d) It is an exception to the application of Subsection (a) if the person is in possession of the burning tobacco product or smokes tobacco exclusively within an area designated for smoking tobacco or as a participant in an authorized theatrical performance.

(e) An area designated for smoking tobacco on a transit system bus or interstate plane or train must also include the area occupied by the operator of the transit system bus, plane, or train.

(f) An offense under this section is punishable as a Class C misdemeanor.

Property Tax Code

SECTION 11.11 (PROPERTY TAX CODE) PUBLIC PROPERTY.

(a) Except as provided by Subsections (b) and (c) of this section, property owned by this state or a political subdivision of this state is exempt from taxation if the property is used for public purposes.

(b) (Refer to statute)

(c) (Refer to statute)

SECTION 11.18 (PROPERTY TAX CODE) CHARITABLE ORGANIZATIONS.

(a) An organization that qualifies as a charitable organization as provided by Subsection (c) of this section is entitled to an exemption from taxation of the buildings and tangible personal property that:

(1) are owned by the charitable organization; and

(2) except as permitted by Subsection (b) of this section, are used exclusively by qualified charitable organizations.

(b) Use of exempt property by persons who are not charitable organizations qualified as provided by Subsection (c) of this section does not result in the loss of an exemption authorized by this section if the use is incidental to use by qualified charitable organizations and limited to activities that benefit the beneficiaries of the charitable organizations that own or use the property.

(c) To qualify as a charitable organization for the purposes of this section, an organization (whether operated by an individual, as a corporation, or as an association) must:

(1) be organized exclusively to perform and, except as permitted by Subsection (d) of this section, engage exclusively in performing one or more of the following charitable functions:

(A) to (D) (Refer to statute)

(E) promoting or operating a...library....

(F) to (J) (Refer to statute)

(2) be operated in a way that does not result in accrual of distributable profits, realization of private gain resulting from payment of compensation in excess of a reasonable allowable for salary or other compensation for services rendered, or realization of any other form of private gain and, if the organization performs one or more of the charitable functions specified by Paragraph (C), (D), (E), (F), (G), or (J) of Subdivision (1) of this subsection, be organized as a nonprofit corporation as defined by the Texas Non-Profit Corporation Act; and

(3) by charter, bylaw, or other regulation adopted by the organization to govern its affairs:

(A) pledge its assets for use in performing the organization's charitable functions; and

(B) direct that on discontinuance of the organization by dissolution or otherwise the assets are to be transferred to an educational, religious, or charitable organization in this state that is qualified for an exemption authorized by this chapter.

(d) Performance of noncharitable functions by a charitable organization that owns or uses exempt property does not result in loss of an exemption authorized by this section if those other functions are incidental to the organization's charitable functions.

(e) In this section, "building" includes the land that is reasonable necessary for use of, access to, and ornamentation of the building.

(f) (Refer to statute)

Appropriations Bill

CHAPTER 843, 66th LEGISLATURE. APPROPRIATIONS.

Article V. Section 4. Political Aid and Legislative Influence Prohibited.

None of the moneys appropriated by Articles I, II, III, and IV of this Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition shall not be construed to prevent any official or employee of the state from furnishing to any Member of the Legislature or to any other State official or employee or to any citizen information in the hands of the employee or official not considered under law to be confidential information. Any action taken against an employee or official for compliance with this section shall subject the person initiating the action to immediate dismissal from state employment.

None of the funds appropriated in this Act shall be expended in payment of the full or partial salary of any State employee who is also the paid lobbyist of any individual, firm, association or corporation.

No employee of any State agency shall use any State-owned automobile except on official business of the State, and such employees are expressly prohibited from using such automobile in connection with any political campaign or any personal or recreational activity.

None of the moneys appropriated by this Act shall be paid to any official or employee who violates any of the provisions of this Section.

The head or heads of each agency of the State shall furnish each employee of such agency with a copy of the three (3) paragraphs immediately preceding this one, and shall take a receipt therefor from each employee. The preceding sentence shall not be construed to mean that new receipts are to be obtained each year from continuing employees who have previously receipted for copies of identical provisions prohibiting political aid and legislative influence. The receipts shall be kept accessible for public inspection.

Resolutions

S.C.R. NO. 81 (65th LEGISLATURE, 1977) SOUTHERN METHODIST UNIVERSITY—POSSESSION OF LEGISLATIVE RECORDS.

WHEREAS, Southern Methodist University has accepted the responsibility for housing certain records of the legislature, more particularly described as records of the Texas Legislative Service Library which include various types of related records, copies of measures as introduced, substitutes, amendments, adopted or not, engrossed documents, enrolled documents, many obtainable committee records, and some arguments pro and con, from 1925 through 1964; and

WHEREAS, This acceptance on the part of Southern Methodist University will entitle graduate students and other interested citizens of Texas the opportunity to review these old records; now, therefore, be it

RESOLVED by the Senate of the 65th Legislature, the House of Representatives concurring, That the physical possession of these records shall be transferred to Southern Methodist University and made available to their students and the general public.

H.C.R. NO. 58 (66th LEGISLATURE, 1979) CAPITOL—ARCHIVE WAR MARKER.

WHEREAS, The Archive War of Texas in 1842 determined that Austin would remain the capital of Texas, and this event is a valuable reminder of the importance of proper record keeping by government; and

WHEREAS, In order that the people of Texas and visitors from other states who visit our capitol complex every year might know the importance of the Archive War of Texas, the Travis County Historical Commission and the Texas Historical Commission have provided the capitol complex with a historical marker relating this unique story; and

WHEREAS, It is appropriate that this historical marker be permanently displayed on the capitol grounds in front of the Lorenzo de Zavala State Archives and Library Building for the benefit of all Texas and out-of-state visitors to our beautiful, historic capitol; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 66th Legislature hereby request the State Board of Control to place the Archive War marker in a suitable permanent position on the capitol grounds in front of the Lorenzo de Zavala State Archives and Library Building; and, be it further

RESOLVED, That an official copy of this resolution be prepared and forwarded to the chairman of the State Board of Control as an expression of the views of the members of the Texas Legislature.

H.C.R. NO. 82 (66th LEGISLATURE, 1979) CAPITOL—DISPLAY OF TEXAS HISTORY, CAPITOLS, AND LEGISLATIVE PROCESS.

WHEREAS, The tourist who visit the State Capitol are interested in learning about the history and construction of the capitol and the governmental activities which are conducted within its walls; and

WHEREAS, The presentation by the capitol tour guides would be greatly enhanced by the installation of a permanent exhibit dealing with such topics as the history of Texas, previous capitols of Texas, the history and construction of the present capitol, and the legislative process; and

WHEREAS, There is a display area appropriate for such purposes located in the north wing of the third floor of the capitol; and

WHEREAS, At present, this display area contains a temporary exhibit provided by the Institute of Texas Cultures and needs a more permanent plan for utilization; and

WHEREAS, The installation of a secure glass-encased, maintenance-free exhibit comprised of photographs, written narratives, and artifacts made available through the Texas House of Representatives, State Archives, the Austin-Travis County Collection, the Texas Historical Commission, and other sources would greatly enhance the public's enjoyment and understanding of the State Capitol; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 66th Legislature hereby direct the Texas Historical Commission, in coordination with the archives division of the Texas State Library, to design a permanent display dealing with the history of Texas, the history and construction of its capitols, and the legislative process; and, be it further

RESOLVED, That the State Board of Control be directed to provide for the construction of this permanent display according to the design plans; and, be it further

RESOLVED, That Mr. Truett Latimer of the Texas Historical Commission be placed in charge of design and coordination of the project, with Dr. David Gracy of the archives division acting as consultant, to assure that the exhibit is authentic and informative; and, be it further

RESOLVED, That, following completion of the project, the Texas Historical Commission be directed to act as curator and the State Board of Control to provide security and maintenance for the display; and, be it further

RESOLVED, That construction of this display be funded by an appropriation of this legislature. The State Board of Control may accept donations of money for construction of the display, and such funds received by the board shall reduce the legislative appropriation by the same amount; and,

be it further

RESOLVED, That official copies of this resolution be forwarded to the director of the Texas Historical Commission, the director and librarian of the Texas State Library, and the executive director of the State Board of Control as an expression of the views of the legislature of the State of Texas.

Attorney General Opinions

The following are summaries of Texas Attorney General Opinions which relate to the concerns of all types of libraries. Among the topics which these Opinions address are: county law libraries, public records, the handicapped, employment of librarians, the State Law Library, the Legislative Reference Library and the Texas State Library.

These Opinions are listed in chronological order. The Opinion number is shown on the left with the year of issuance in parentheses.

Complete copies of Opinions may be obtained from the Central File Room, Attorney General's Office, Box 12548, Austin, Texas 78711.

BACKGROUND

The weight and authority of Attorney General Opinions in law is a concept which has not been clearly delineated. The following comments may enable the reader to better understand just what these Opinions are and how they should be viewed.

The Attorney General of Texas is required by Article IV, Section 22 of the Texas Constitution to render legal advice to the Governor and other executive officers of the State. The list of persons to whom Opinions may be issued is listed in Article 4399, V.T.C.S., and includes the heads of departments of state government, legislative committees, district and county attorneys and county auditors. While the authority of the Attorney General to render opinions is constitutionally and statutorily regulated, it is axiomatic that an Attorney General Opinion is not binding on the courts. Some courts have given individual Opinions very great weight and some have rejected them.

The Attorney Genreral acknowledged the limited authority of his own opinions in Attorney General Opinion No. O-7234-A (1946), where it was stated:

> The opinions of the Attorney General have not the force of law and are legally binding on no one. They may be highly persuasive to the courts but apparently only in those cases where they coincide with the court's view of the law.

The leading case expressing the court's views on the authority of Attorney General Opinion states that opinions "while entitled to careful consideration by the courts, and quite generally regarded as highly persuasive, are not binding on the judiciary..."

Recently, the courts have assessed the status of Attorney General Opinions in light of the Legislature's specific delegation of authority in Section 7

of the Open Records Act. A Texas Court of Civil Appeals stated:

> Normally, opinions of the Attorney General are persuasive but not controlling on the courts. We consider that great weight should be given such opinions when the legislature has specifically delegated to the Attorney General the duty of interpreting the Act and aiding in its enforcement.

Although the courts have generally ruled that Opinions are "advisory in nature," persons who reasonably rely on Attorney General Opinions may be protected from civil and criminal liability, even if the Attorney General has erred in his interpretation. Conversely, the failure to follow the authoritative advice of the Attorney General may be evidence of a lack of good faith.

In summary, Attorney General Opinions are not binding on the courts; however they are persuasive and the courts may give them great weight. Since the Attorney General is constitutionally and statutorily charged with interpretation of the law upon request by certain persons, reasonable reliance upon an Attorney General Opinion would constitute an affirmative defense to criminal prosecution.

CAUTION

Every effort has been made to provide a timely listing of Attorney General Opinions. One should always, however, exercise caution in interpreting Opinions. The State Legislature may, for example, pass a law which would render a previously issued Opinion inoperable. Also, more recent Opinions may overrule certain parts of previous Opinions, but not the entire previous Opinion. An attorney should be contacted if you seek further advice.

O - 520 (1939)

The provisions of Article 1683 relating to certificates of qualification, apply only to those who have received county librarians' certificates prior to the passage of the amendment of such Article.

O - 690 (1939)

The Commissioners Court is without authority to make appropriations of public money to any library controlled and operated by private individuals however worthy the cause may be.

O - 696 (1939)

The Commissioners Court is not authorized to pay for library books purchased under the provisions of Articles 1677-1696, inclusive, out of the public building and improvement funds.

O - 1316 (1939)

The Commissioners Court of Galveston County may contract with the Rosenberg library for library privileges in the manner prescribed by Article 1694 provided there are no restrictions in the will of Mr. Henry Rosenberg prohibiting the same.

O - 1636 (1939)

When an incorporated city does not have and never had a public free library, the inhabitants of such city who are residents of the county have the privileges of using the county library under Articles 1678 and 1688, and the property within the corporate limits of such city is included in computing the amounts to be set aside out of the county general tax fund for the maintenance of the county free library system.

It is not necessary, under Articles 1677-1696, for an incorporated city which does not have and has never had a public free library to contract with the county for participation in the county free library system or to make cash

contributions for such participation before the inhabitants can enjoy the benefits of the system.

O - 2538 (1940)

As the tax levy for county purposes cannot exceed twenty-five cents on the one hundred dollar valuation, if Llano County should levy five cents for a county library, said amount would come from the twenty-five cent levy allowed for the general fund of the county, which would leave twenty cents on the one hundred dollar valuation for the general fund.

O - 2744 (1940)

The Commissioners Court has no authority to appoint a county librarian who does not have a certificate from the State Board of Examiners; but should such an ineligible person be appointed, he would not legally be entitled to the salary attached to said office. Furthermore, where there is no qualified county librarian in charge of the county free library, the Commissioners Court has no authority to appoint an assistant librarian to serve in the capacity of county librarian.

O - 3055 (1941)

The Commissioners Court has authority to expend funds in establishing, maintaining, and operating a "book-mobile library" as a branch or subdivision of an established county free library located at the county seat.

O - 3409 (1941)

As the members of the Texas State Library are not employed, either directly or indirectly, in any public school, college, or university, such members do not come within the provisions of the Teacher Retirement Act, and said act cannot be amended to extend to such persons.

O - 3890 (1941)

The costs incurred in the purchase or establishment or a "bookmobile library", as discussed

	in Opinion No. O-3055, and the expenses incurred in maintaining and operating the same cannot be paid out of the permanent improvement fund, but must be paid out of the general fund of the county.
O - 3956 (1941)	Under the provisions of H.B. 1080, Acts 1941, 47th Leg., the Commissioners Court is given broad powers in establishing and maintaining a law library and if in their discretion it is necessary, they are authorized to hire a librarian to be compensated out of the "County Law Library Fund."
O - 3957 (1941)	Under the terms of H.B. 1080, Acts 1941, 47th Leg., probate matters are to be considered among the cases on which the sum of one dollar shall be taxed as cost for the establishment and maintenance of a County Law Library. (Assuming, of course, that the Commissioners Court has first entered its order for that purpose.)
O - 4439 (1942)	Article 1702d is unconstitutional. Therefore, the question must be answered in the negative, and Nueces County may not legally collect the fee of $1.00 in each civil and criminal case and deposit it to the County Law Library Fund to be used in the manner provided for in Article 1702d.
O - 5347 (1943)	Finding no authority and law for the expenditure in question, it is the opinion of this department that the Commissioners Court is not authorized to expend county funds for the purchase of the Annual Pocket Parts to Vernon's Annotated Civil Statutes as a necessary expense in the proper and legal conduct of the office of district clerk.

O - 5511 (1943)

The district and county clerks of Navarro County can not legitimately tax as costs in criminal and civil cases a One Dollar ($1.00) library fee as provided for in Article 1702b-2, supra.

O - 5688 (1943)

Any one of the Courts of Civil Appeals can expend for books for its library during each of the next two biennial years the sum of $500.00, together with any portion of the $500.00 appropriated for "equipment, maintenance and contingent items" not used for said purposes.

O - 5842 (1944)

A special tax cannot be voted by the people of a county for the original or additional county library support. A constitutional amendment would be required to authorize the assessment of a tax for library purposes where the said tax would be additional to the twenty-five cents per hundred dollars valuation.

O - 6094 (1944)

The Commissioners Court may contract for library privileges from some already established library upon its own initiative and without a petition of the majority of the voters of the county.

O - 6243 (1944)

This opinion concerns the authority of the Commissioners Court to enter into contracts with three libraries in Gregg County operated by three incorporated cities providing for the payment of an agreed sum from county funds for the partial support of said libraries.

O - 6441 (1945)

The Commissioners Court may construct a branch library building and pay for same out of the Permanent Improvement Fund. The amount that can be used in such construction is within the discretion of the Commissioners Court but is subject to the provisions of the county budget.

O - 7118
(1946)

A county cannot issue bonds for the purpose of erecting a building to house a free county library.

If the Legislature had authorized the issuance of bonds for the erection of the building to house a county library, same would have to be paid out of the constitutional fund commonly known as the Permanent Improvement Fund. There is no other county fund out of which this type improvement could legally be financed.

O - 7319
(1946)

The County Commissioners Court has the authority to issue Time Warrants for certain permanent improvements, including county park improvements and county airport, but not a library and museum building or a youth center. (Note: this Opinion overrules Opinion O-4357)

O - 7539
(1946)

The Commissioners Court of Bexar County may establish a county law library under the provisions of Articles 1697-1702; Article 1702a-1, which applies to counties having five or more District Courts, is not an exclusive method to establish a county law library for Bexar county, but may only be used upon a proper order of the Commissioners Court.

The establishment and maintenance of the county law library must be paid out of monies appropriated by the Commissioners Court from the general fund as provided by Article 1698.

V - 397
(1947)

It is the statutory duty of the Commissioners Court to operate the county library, and this duty may not lawfully be delegated to any citizens committee or board. The operation of such library is regulated by statute, and local rules of such board are without authority of law.

V - 435
(1947)

The State Treasury Department is authorized to have photographic reproductions of its records prepared, defraying the cost of this work from the contingent expense appropriation of the State Treasury Department.

The State Treasury Department is not authorized to destroy its original records following their photographic reproductions, but it is authorized to transfer the records which have been replaced by photographic reproductions to the State Librarian. The State Librarian is authorized to destroy or further transfer such records.

V - 953
(1949)

A county cannot donate public money to an incorporated public free library. The county is authorized to contract for library privileges from an already established library and pay for the same out of the General Fund of the county.

V - 1071
(1950)

Regarding types of proceedings subject to the County Law Library fee assessed in civil cases: guardianships and other cases in probate court, insanity, and restoration proceedings are civil cases within the meaning of Article 1702e.

A habeas corpus proceeding may be either a criminal case or a civil case depending on the facts in each instance. If in the proceeding it appears that the restraint is not because of some supposed violation of criminal law, then the proceeding must be classed as a civil case.

WW - 181
(1957)

Under certain assumptions, the Commissioners Court has the authority to purchase a law library from the legal representative of a deceased District Judge.

WW - 950 (1960)

The Legislature in Article 678m-2, expressed its intention that the Building referred to above should be known as the "State Archives and Library Building" but did not require that such title should be put in permanent form on that Building.

WW - 1423 (1962)

The properties owned by the El Paso County Medical Society furnished by it voluntarily to the public as a public library, but to which the public has access only at the sufferance of the Society as its invitees, are not exempt from ad valorem taxes as a public library under Article 7150, subd. 8, as "public property used for public purposes" within contemplation of Article VIII, Sec. 2 of the Texas Constitution.

WW - 1456 (1962)

Section 3, Article 5441a, does not authorize the destruction of newspapers in print, purchased pursuant to Section 3, Article 5441, even though a microfilm copy of the newspaper is to be preserved and even if the consent of the State Auditor to the destruction of the newspapers is obtained, unless such newspapers are adjudged to be valueless.

Article 5441b authorizes the destruction of the newspapers which are over 10 years old, if the procedures of the statute are compiled with.

WW - 1494 (1962)

Article 1678, applies to the whole of Hood County, there being no free public library in any incorporated area in the said county.

A petition for the establishment of a county free library may be signed by any qualified voter, and a sufficient petition makes it incumbent upon the commissioners court to establish such a library as soon after its

presentation as may be practicable.

Article 1679, authorizes the Commissioners Court to set aside tax funds to maintain a county free library, and the statute vests discretion in the said court as to the amount set aside.

C - 673 (1966)

Subject to the approval of a new or revised State Plan allowing direct monetary grants to local public library units, the Texas State Library and Historical Commission may make direct monetary grants to local public library units under Title I of the Library Services and Construction Act of 1964, Public Law 88-269, as amended.

M - 828 (1971)

Pursuant to Article 6144g, the Texas Fine Arts Commission may publish a newsletter in which is printed the entire text of a pending Senate bill relating to the fine arts, and solicit the comments of the newsletter's readers on such bill.

However, the Commission may not comment that the bill is supported by certain interest groups, the Commission's Chairman may not give his personal opinion regarding the merits, if any, of the bill, and a list of members of the House and the Senate may not be printed in the newsletter.

M - 1114 (1972)

It is our opinion that Article 1137r, Vernon's Penal Code (prohibiting the reproduction for sale of sound recordings without the original owner's consent), is valid and is not in conflict with Article I, Sec. 8, Cl. 8, United States Constitution, or the Copyright Clause, and the implementing federal statutes, 17 USC ss 1-215, the Copyright Act.

M - 1173 (1972)	The State matching contributions for O.A.S.I. and employee's retirement contributions for employees of the State Law Library required to be matched by the provisions of Section 3 of Article V of the current General Appropriation Act may be transferred into the State Law Library fund, because such deductions and matching contributions constitute a cost of maintaining, operating and keeping up to date the State Law Library. (Note: this Opinion has been overruled by Opinion H-947 where they conflict)
M - 1199 (1972)	Forty-five riders contained in the 1971 General Appropriation Act are considered and passed upon as to validity. See this Opinion for specific riders.
H - 91 (1973)	Under the authority of Article 1696a, county commissioners may hold a bond election for the purpose not only of building buildings but also for acquiring books for library purposes.
H - 140 (1973)	The Library and Historical Commission may, under the Library Systems Act, enter into contracts with the governing bodies of major resource centers, if necessary to establish and develop a network of library systems to serve collectively the entire population of the state. If the operation and maintenance of a communications "service" by the Commission meets such criteria, the contracting libraries may pay for the service with funds appropriated for grants-in-aid.
H - 353 (1974)	The Department of Public Welfare may contract with the Texas Library and Historical Commission for the storage and preservation of the file.

H - 420 (1974)

Article 4419e does not, per se, prohibit architectural designs which may amount to a barrier to a handicapped person's use of a public facility unless such design is intentionally formulated to prevent or discourage such use.

H - 467 (1974)

A city's library board which acts solely in an advisory capacity and has no rule-making or quasi-judicial power is not required to comply with the mandates of the Open Meetings Act regarding public notice and open meetings.

H - 523 (1975)

County Clerks, County Recorders, and clerks of county courts may dispose of records pursuant to article 1941a. District Clerks may do so pursuant to articles 1899a and 6574b. Other county officers may make sure disposition pursuant to article 6574b.

Records which are not confidential in nature and are subject to destruction may be transferred to a private party.

The State Librarian has general authority to dispose of records which are valueless as official records.

H - 550 (1975)

The Texas State Library need not obtain the consent of the Systems Division of the State Auditor's Office in order to purchase a computer, but it must comply with subsection (a) of article V, section 37 of the General Appropriations Act before making the expenditure. The Library has fully compiled with the provisions of article V, section 37 as soon as the Governor has made the requisite determination pursuant to subsection (a), since subsection (b) therein is invalid. The rider

to the Library and Historical Commission appropriation does not apply to funds received by the Texas State Library which are solely federal in origin.

ORD - 100 (1975)

(Open Records Decision)
Information which would reveal the idenity of a library patron in connection with the object of his or her attention is excepted from disclosure by section 3(a)(1) as information deemed condifential by constitutional law.

However, we do not believe that this constitutional protection extends beyond the identification of an individual patron with the object of his or her attention. Thus, we do not believe the fact that a person has used the library, owes or has paid a fine is confidential information.

H - 689 (1975)

System operation grants and incentive grants can be awarded to community libraries where the proper, prerequisite circumstances exist.

H - 690 (1975)

The Library and Historical Commission may reject the initial and any subsequent annual plan submitted by a major resource center.

When there has been a rejection of a submitted plan, the Commission may revoke the library's status as a major resource center or withhold funds from the library until the plan is acceptably redrawn.

Libraries lying within a system where the plan by the major resource center is rejected, may receive direct grants from the Commission or may be transferred to other systems or a new major resource center may be designated.

H - 725 (1975)

The county law library fee provided by Article 1702i may be taxed as costs, within the meaning of Article 1702i, in all probate proceedings except an action brought for the purpose of confining a person of unsound mind or a habitual drunkard.

H - 907 (1976)

Article 6574b has no application to records in the custody of the county clerk or clerk of a county court, and does not bar transfer of those records to regional historical resource depositories as authorized by Article 5442b. Regional historical resource depositories have no legal obligation to return court records to the clerk of the original court or other courts for the use of private attorneys, absent a court order requiring the return of such records, so long as microfilm records of the documents sought are available from the clerk of the originating court.

H - 917 (1976)

Non-current personnel files transferred to the State Archives for permanent preservation retain the same status as they had before transfer under the Texas Open Records Act, Article 6252-17a and are public except insofar as disclosure would constitute a clearly unwarranted invasion of personal privacy. The right of privacy is personal to the individual and lapses upon his death, rendering his personnel file public except insofar as its disclosure would constitute a clearly unwarranted invasion of the personal privacy of living individuals.

H - 947 (1977)

Article 5, section 3 of the 1973 Appropriations Act did not authorize the transfer of General Revenue Funds to the Department of Public Welfare's Commodity Distribution Fund. Such a transfer may be made pursuant to the requirements of the Retirement System where the

transferred funds are used to pay the State's contributions to OASI, retirement and insurance for employees paid from appropriations from the General Fund. (Note: this Opinion overrules Opinion M-1173 where they conflict)

H - 1041 (1977)

State agencies may not refuse to employ a qualified handicapped person on the basis of his handicap. A handicapped employee who utilizes a private automobile and driver on state business is limited to sixteen cents per mile reimbursement. State agencies do not presently have authority to develop a special system of reimbursement for travel by handicapped employees; under current law the system is provided by the Comptroller under Article 6823a and the General Appropriations Acts.

H - 1062 (1977)

The County Law Library Fund established by Article 1702h may not be used for the construction or general renovation of a county law library building.

H - 1246 (1978)

A county may maintain branches of its law library in various locations within the county for the convenience of litigants, and may loan law library materials to other libraries servicing such litigants, so long as a complete law library is operated in a place at the county seat convenient and accessible to the judges of the county as well as to litigants.

H - 1305 (1978)

Professional librarians at the University of Texas, as state employees are entitled only to the vacation leave and holidays provided by the Appropriations Act.

MW - 9 (1979)	Under Article 1792h, the County Law Library Fund may be expended only for library purposes and for the needs of judges and litigants. The fund may not be used to buy books owned by the county.
MW - 163 (1980)	The Secretary of State should as a general matter charge the fees set by statute for furnishing copies of documents in this office rather than using the fee schedule prepared by the Board of Control pursuant to the Open Records Act. Article 3913, V.T.C.S., establishes the fees for certified copies of documents. (Refer to Opinion for other comments.)

LIBRARY LAWS OF TEXAS

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